

Michigan Register

Issue No. 11– 2002 (Published July 1, 2002)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



Issue No. 11 — 2002

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John Engler, Governor



Dick Posthumus, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
 - (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
 - (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
 - (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of Michigan register at a price determined by the office of regulatory reform not to exceed cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reform for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reform is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reform, Executive Office, George W. Romney Building, 111 S. Capitol Avenue, Lansing, MI 48933

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$110.00 per year. Submit subscription requests to: DMB, Office of Administrative Services, P.O. Box 30026, 320 South Walnut Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reform (517) 373-0526.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reform: www.state.mi.us/orr

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reform Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Brian D. Devlin, Director
Office of Regulatory Reform

2002 PUBLICATION SCHEDULE

| Issue No. | Closing Date for Filing or Submission Of Documents (5 p.m.) | Publication Date |
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FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

ORR # 2001-021

DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

SPECIAL EDUCATION PROGRAMS AND SERVICES

Filed with the Secretary of State on May 29, 2002.

These rules take effect 7 days after filing with the Secretary of State on June 6, 2002.

(By authority conferred on the state board of education by sections 1701 and 1703 of 1976 PA 451, MCL 380.1701 and 380.1703)

R 340.1701, R 340.1701a, R 340.1701b, R 340.1702, R 340.1705, R 340.1706, R 340.1707, R 340.1708, R 340.1709, R 340.1710, R 340.1711, R 340.1713, R 340.1714, R 340.1715, R 340.1721, R 340.1721a, R 340.1721b, R 340.1721c, R 340.1721d, R 340.1721e, R 340.1722, R 340.1722a, R 340.1722e, R 340.1723c, R 340.1724, R 340.1724a, R 340.1724d, R 340.1725e, R 340.1732, R 340.1733, R 340.1734, R 340.1738, R 340.1739, R 340.1740, R 340.1741, R 340.1742, R 340.1743, R 340.1744, R 340.1745, R 340.1746, R 340.1747, R 340.1748, R 340.1749, R 340.1749a, R 340.1749b, R 340.1749c, R 340.1750, R 340.1751, R 340.1754, R 340.1755, R 340.1756, R 340.1757, R 340.1758, R 340.1771, R 340.1772, R 340.1781, R 340.1782, R 340.1783, R 340.1786, R 340.1787, R 340.1788, R 340.1790, R 340.1792, R 340.1793, R 340.1795, R 340.1796, R 340.1797, R 340.1798, R 340.1799, R 340.1799a, R 340.1799b, R 340.1799c, R 340.1801, R 340.1802, R 340.1803, R 340.1808, R 340.1809, R 340.1810, R 340.1811, R 340.1812, R 340.1831, R 340.1832, R 340.1833, R 340.1835, R 340.1836, R 340.1837, R 340.1838, R 340.1839, R 340.1851, R 340.1852, R 340.1853, and R 340.1861 of the Michigan Administrative Code are amended; R 340.1703, R 340.1704, R 340.1722c, R 340.1722d, R 340.1722f, R 340.1723, R 340.1723a, R 340.1723b, R 340.1724b, R 340.1725, R 340.1725a, R 340.1725b, R 340.1725c, R 340.1725d, R 340.1736, R 340.1737, R 340.1753, R 340.1773, R 340.1784, R 340.1785, R 340.1791, R 340.1794, R 340.1799d, R 340.1805, R 340.1806, R 340.1834, R 340.1862, R 340.1863, R 340.1864, R 340.1865, R 340.1866, R 340.1867, R 340.1868, R 340.1869, R 340.1870, R 340.1871, R 340.1872, and R 340.1873 of the Code are rescinded; and R 340.1701c, R 340.1709a, R 340.1716, R 340.1724c, R 340.1725f, R 340.1774, R 340.1783a, R 340.1793a, R 340.1799e, and R 340.1799f are added to the Code as follows:

DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND EARLY INTERVENTION SERVICES

PART 1. GENERAL PROVISIONS

R 340.1701 Assurance of compliance.

Rule 1. All public agencies in the state, as those agencies are defined at 34 C.F.R. §300.22 of the regulations implementing the individuals with disabilities education act, 20 U.S.C. chapter 33, §1400 et seq., shall comply

with these rules; all provisions of the state's application for federal funds under part B of the individuals with disabilities education act, 20 U.S.C. chapter 33, §1400 et seq.; the requirements of part B of the individuals with disabilities education act; and the regulations implementing the individuals with disabilities education act, 34 C.F.R. part 300, which are adopted by reference in these rules. Copies are available, at cost, from the Government Printing Office, Superintendent of Documents, P.O. Box 37195-7954, Pittsburgh, PA, 15250, or from the Center for Educational Networking, Eaton Intermediate School District, 1790 East Packard Highway, Charlotte, MI, 48813.

R 340.1701a Definitions; A to D.

Rule 1a. As used in these rules:

- (a) "Adaptive behavior" means a student's ability to perform the social roles appropriate for a person of his or her age and gender in a manner that meets the expectations of home, culture, school, neighborhood, and other relevant groups in which he or she participates.
- (b) "Agency" means a public or private entity or organization, including the local school district, public school academy, intermediate school district, the department, and any other political subdivision of the state that is responsible for providing education or services to students with disabilities.
- (c) "Complaint" means a written and signed allegation that includes the facts on which the allegation is based, by an individual or an organization, that there is a violation of any of the following:
 - (i) Any current provision of these rules.
 - (ii) 1976 PA 451, MCL 380.1 et seq., as it pertains to special education programs and services.
 - (iii) The individuals with disabilities education act of 1997, 20 U.S.C., chapter 33, §1400 et seq., and the regulations implementing the act, 34 C.F.R. part 300.
 - (iv) An intermediate school district plan.
 - (v) An individualized education program team report, hearing officer decision, or court decision regarding special education programs or services.
 - (vi) The state application for federal funds under the individuals with disabilities education act.
- (d) "Department" means the state department of education.
- (e) "Departmentalize" means a delivery system in which 2 or more special education teachers teach groups of students with disabilities by instructional content areas.

R 340.1701b Definitions; I to P.

Rule 1b. As used in these rules:

- (a) "Instructional services" means services provided by teaching personnel that are specially designed to meet the unique needs of a student with a disability. These may be provided by any of the following:
 - (i) An early childhood special education teacher under R 340.1755.
 - (ii) A teacher consultant under R 340.1749.
 - (iii) A teacher of the speech and language impaired under R 340.1745.
 - (iv) A teacher providing instruction to students with disabilities who are homebound or hospitalized.
 - (v) A teacher providing instruction to students who are placed in juvenile detention facilities under R 340.1757.
- (b) "Multidisciplinary evaluation team" means a minimum of 2 persons who are responsible for evaluating a student suspected of having a disability. The team shall include at least 1 special education teacher or other specialist who has knowledge of the suspected disability.
- (c) "Normal course of study" means a general or a special education curriculum leading to a high school diploma.
- (d) "Occupational therapy" means therapy provided by a therapist who has been registered by the American occupational therapy association or an occupational therapy assistant who has been certified by the American occupational therapy association and who provides therapy under the supervision of a registered occupational therapist.
- (e) "Parent" means any of the following:
 - (i) A natural or adoptive parent of a student or youth with a disability.
 - (ii) A guardian, but not the state, if the student or youth with a disability is a ward of the state.
 - (iii) A person acting in the place of a parent, such as a grandparent or stepparent with whom the student or youth with a disability lives or a person who is legally responsible for the welfare of a student or youth with a disability.

- (iv) A surrogate parent who has been appointed in accordance with state board of education policy.
- (v) A foster parent if both of the following provisions are satisfied:
 - (A) The natural parent's authority to make educational decisions on behalf of the student or youth with a disability has been extinguished under state law. The foster parent satisfies all of the following provisions:
 - (1) Has an ongoing, long-term parental relationship with the student or youth with a disability.
 - (2) Is willing to make the educational decisions required of parents.
 - (3) Has no interest that would conflict with the interests of the student or youth with a disability.
 - (vi) The affected student or youth with a disability when the student or youth with a disability reaches 18 years of age, if a legal guardian has not been appointed by appropriate court proceedings.
 - (f) "Parent advisory committee" means a committee of parents of students with disabilities of a particular intermediate school district appointed by the board of that district under R 340.1838.
 - (g) "Physical therapy" means therapy prescribed by a physician and provided by a therapist who is licensed by the state of Michigan under 1978 PA 368, MCL 333.1101 et seq. or a physical therapy assistant who provides therapy under the supervision of a licensed physical therapist.

R 340.1701c Definitions; R to Y.

Rule 1c. As used in these rules:

- (a) "Related services" means services defined at 34 C.F.R. §300.24 and ancillary services as defined in 1976 PA 451, MCL 380.1 et seq., which is available for public review at the department and at intermediate school districts.
- (b) "Services" means instructional or related services as defined in these rules.
- (c) "Special education" means specially designed instruction, at no cost to the parents, to meet the unique educational needs of the student with a disability and to develop the student's maximum potential. Special education includes instructional services defined in R 340.1701b(a)-and related services.
- (d) "Youth placed in a juvenile detention facility" means a student who is placed by the court in a detention facility for juvenile delinquents and who is not attending a regular school program due to court order.

R 340.1702 "Student with a disability" defined.

Rule 2. "Student with a disability" means a person who is determined by an individualized education program team or a hearing officer to have 1 or more of the impairments specified in this part that necessitates special education or related services, or both, who is not more than 25 years of age as of September 1 of the school year of enrollment, who has not completed a normal course of study, and who has not graduated from high school. A student who reaches the age of 26 years after September 1 is a "student with a disability" and entitled to continue a special education program or service until the end of that school year.

R 340.1703 Rescinded.

R 340.1704 Rescinded.

R 340.1705 Cognitive impairment; determination.

Rule 5. (1) Cognitive impairment shall be manifested during the developmental period and be determined through the demonstration of all of the following behavioral characteristics:

- (a) Development at a rate at or below approximately 2 standard deviations below the mean as determined through intellectual assessment.
- (b) Scores approximately within the lowest 6 percentiles on a standardized test in reading and arithmetic. This requirement will not apply if the student is not of an age, grade, or mental age appropriate for formal or standardized achievement tests.
- (c) Lack of development primarily in the cognitive domain.
- (d) Impairment of adaptive behavior.
- (e) Adversely affects a student's educational performance.
- (2) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team, which shall include a psychologist.

R 340.1706 Emotional impairment; determination; evaluation report.

Rule 6. (1) Emotional impairment shall be determined through manifestation of behavioral problems primarily in the affective domain, over an extended period of time, which adversely affect the student's education to the extent that the student cannot profit from learning experiences without special education support. The problems result in behaviors manifested by 1 or more of the following characteristics:

- (a) Inability to build or maintain satisfactory interpersonal relationships within the school environment.
- (b) Inappropriate types of behavior or feelings under normal circumstances.
- (c) General pervasive mood of unhappiness or depression.

(d) Tendency to develop physical symptoms or fears associated with personal or school problems.

(2) Emotional impairment also includes students who, in addition to the characteristics specified in subrule (1) of this rule, exhibit maladaptive behaviors related to schizophrenia or similar disorders. The term "emotional impairment" does not include persons who are socially maladjusted, unless it is determined that the persons have an emotional impairment.

(3) Emotional impairment does not include students whose behaviors are primarily the result of intellectual, sensory, or health factors.

(4) When evaluating a student suspected of having an emotional impairment, the multidisciplinary evaluation team report shall include documentation of all of the following:

- (a) The student's performance in the educational setting and in other settings, such as adaptive behavior within the broader community.
- (b) The systematic observation of the behaviors of primary concern which interfere with educational and social needs.
- (c) The intervention strategies used to improve the behaviors and the length of time the strategies were utilized.
- (d) Relevant medical information, if any.

(5) A determination of impairment shall be based on data provided by a multidisciplinary evaluation team, which shall include a comprehensive evaluation by both of the following:

- (a) A psychologist or psychiatrist.
- (b) A school social worker.

R 340.1707 Hearing impairment explained; determination.

Rule 7. (1) The term "hearing impairment" is a generic term which includes both students who are deaf and those who are hard of hearing and refers to students with any type or degree of hearing loss that interferes with development or adversely affects educational performance. "Deafness" means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification. The term "hard of hearing" refers to students with hearing impairment who have permanent or fluctuating hearing loss which is less severe than the hearing loss of students who are deaf and which generally permits the use of the auditory channel as the primary means of developing speech and language skills.

(2) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team, which shall include an audiologist and an otolaryngologist or otologist.

R 340.1708 Visual impairment explained; determination.

Rule 8. (1) A visual impairment shall be determined through the manifestation of both of the following:

(a) A visual impairment which, even with correction, interferes with development or which adversely affects educational performance. Visual impairment includes both partial sight and blindness.

(b) One or more of the following:

- (i) A central visual acuity for near or far point vision of 20/70 or less in the better eye after routine refractive correction.
- (ii) A peripheral field of vision restricted to not more than 20 degrees.
- (iii) A diagnosed progressively deteriorating eye condition.

(2) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team, which shall include an ophthalmologist or optometrist.

(3) If a student cannot be tested accurately for acuity, then functional visual assessments conducted by a teacher certified in visual impairment may be used in addition to the medical evaluation for determination of impairment.

(4) For students with visual impairment who have a visual acuity of 20/200 or less after routine refractive correction, or who have a peripheral field of vision restricted to not more than 20 degrees, an evaluation by an orientation and mobility specialist shall be conducted. The orientation and mobility specialist shall also include in the report a set of recommended procedures to be used by a mobility specialist or a teacher of students with visual impairment in conducting orientation and mobility training activities.

R 340.1709 "Physical impairment" defined; determination.

Rule 9. (1) "Physical impairment" means severe orthopedic impairment that adversely affects a student's educational performance.

(2) A determination of disability shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team, which shall include assessment data from 1 of the following persons:

- (a) An orthopedic surgeon.
- (b) An internist.
- (c) A neurologist.
- (d) A pediatrician.
- (e) A family physician or any other approved physician as defined in 1978 PA 368, MCL 333.1101 et seq.

R 340.1709a "Other health impairment" defined; determination.

Rule 9a. (1) "Other health impairment" means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, which results in limited alertness with respect to the educational environment and to which both of the following provisions apply:

(a) Is due to chronic or acute health problems such as any of the following:

- (i) Asthma.
- (ii) Attention deficit disorder.
- (iii) Attention deficit hyperactivity disorder.
- (iv) Diabetes.
- (v) Epilepsy.
- (vi) A heart condition.
- (vii) Hemophilia.
- (viii) Lead poisoning.
- (ix) Leukemia.
- (x) Nephritis.
- (xi) Rheumatic fever.
- (xii) Sickle cell anemia.

(b) The impairment adversely affects a student's educational performance.

(2) A determination of disability shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team, which shall include 1 of the following persons:

- (a) An orthopedic surgeon.
- (b) An internist.
- (c) A neurologist.
- (d) A pediatrician.
- (e) A family physician or any other approved physician as defined in 1978 PA 368, MCL 333.1101 et seq.

R 340.1710 "Speech and language impairment" defined; determination.

Rule 10. (1) A "speech and language impairment" means a communication disorder that adversely affects educational performance, such as a language impairment, articulation impairment, fluency impairment, or voice impairment.

(2) A communication disorder shall be determined through the manifestation of 1 or more of the following speech and language impairments that adversely affects educational performance:

(a) A language impairment which interferes with the student's ability to understand and use language effectively and which includes 1 or more of the following:

- (i) Phonology.
- (ii) Morphology.

- (iii) Syntax.
- (iv) Semantics.
- (v) Pragmatics.
- (b) Articulation impairment, including omissions, substitutions, or distortions of sound, persisting beyond the age at which maturation alone might be expected to correct the deviation.
- (c) Fluency impairment, including an abnormal rate of speaking, speech interruptions, and repetition of sounds, words, phrases, or sentences, that interferes with effective communication.
- (d) Voice impairment, including inappropriate pitch, loudness, or voice quality.
- (3) Any impairment under subrule (2) (a) of this rule shall be evidenced by both of the following:
 - (a) A spontaneous language sample demonstrating inadequate language functioning.
 - (b) Test results on not less than 2 standardized assessment instruments or 2 subtests designed to determine language functioning which indicate inappropriate language functioning for the student's age.
 - (4) A student who has a communication disorder, but whose primary disability is other than speech and language may be eligible for speech and language services under R 340.1745(a).
 - (5) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team, which shall include a teacher of students with speech and language impairment under R 340.1796 or a speech and language pathologist qualified under R 340.1792.

R 340.1711 "Early childhood developmental delay" defined; determination.

Rule 11. (1) "Early childhood developmental delay" means a child through 7 years of age whose primary delay cannot be differentiated through existing criteria within R 340.1705 to R 340.1710 or R 340.1713 to R 340.1716 and who manifests a delay in 1 or more areas of development equal to or greater than 1/2 of the expected development. This definition does not preclude identification of a child through existing criteria within R 340.1705 to R 340.1710 or R 340.1713 to R 340.1716.

(2) A determination of early childhood developmental delay shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team.

R 340.1713 "Specific learning disability" defined; determination.

Rule 13. (1) "Specific learning disability" means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual impairments, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems that are primarily the result of a visual, hearing, or motor impairment, of a cognitive impairment, of an emotional impairment, of autism, or of environmental, cultural, or economic disadvantage.

(2) The individualized education program team may determine that a child has a specific learning disability if the child does not achieve commensurate with his or her age and ability levels in 1 or more of the areas listed in this subrule, when provided with learning experiences appropriate for the child's age and ability levels, and if the multidisciplinary evaluation team finds that a child has a severe discrepancy between achievement and intellectual ability in 1 or more of the following areas:

- (a) Oral expression.
- (b) Listening comprehension.
- (c) Written expression.
- (d) Basic reading skill.
- (e) Reading comprehension.
- (f) Mathematics calculation.
- (g) Mathematics reasoning.
- (3) The individualized education program team shall not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of any of the following:
 - (a) A visual, hearing, or motor impairment.
 - (b) Cognitive impairment.
 - (c) Emotional impairment.
 - (d) Autism.
 - (e) Environmental, cultural, or economic disadvantage.

(4) At least 1 individualized education program team member other than the student's general education teacher shall observe the student's academic performance in the general education classroom setting. For a child who is less than school age or who is out of school, an individualized education program team member shall observe the child in an environment appropriate for a child of that age.

(5) For a student suspected of having a specific learning disability, the documentation of the individualized education program team's determination of eligibility shall include a statement concerning all of the following:

- (a) Whether the student has a specific learning disability.
- (b) The basis for making the determination.
- (c) The relevant behavior noted during the observation of the student.
- (d) The relationship of that behavior to the student's academic functioning.
- (e) The educationally relevant medical findings, if any.
- (f) Whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services.
- (g) The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

(6) Each individualized education program team member shall certify, in writing, whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member shall submit a separate statement presenting his or her conclusions.

(7) A determination of learning disability shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team, which shall include at least both of the following:

- (a) The student's general education teacher or, if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her age or, for a child of less than school age, an individual qualified by the state educational agency to teach a child of his or her age.
- (b) At least 1 person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, an authorized provider of speech and language under R 340.1745(d), or a teacher consultant.

R 340.1714 Severe multiple impairment; determination.

Rule 14. (1) Students with severe multiple impairments shall be determined through the manifestation of either of the following:

(a) Development at a rate of 2 to 3 standard deviations below the mean and 2 or more of the following conditions:

- (i) A hearing impairment so severe that the auditory channel is not the primary means of developing speech and language skills.
- (ii) A visual impairment so severe that the visual channel is not sufficient to guide independent mobility.
- (iii) A physical impairment so severe that activities of daily living cannot be achieved without assistance.
- (iv) A health impairment so severe that the student is medically at risk.

(b) Development at a rate of 3 or more standard deviations below the mean or students for whom evaluation instruments do not provide a valid measure of cognitive ability and 1 or more of the following conditions:

- (i) A hearing impairment so severe that the auditory channel is not the primary means of developing speech and language skills.
- (ii) A visual impairment so severe that the visual channel is not sufficient to guide independent mobility.
- (iii) A physical impairment so severe that activities of daily living cannot be achieved without assistance.
- (iv) A health impairment so severe that the student is medically at risk.

(2) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team, which shall include a psychologist and, depending upon the disabilities in the physical domain, the multidisciplinary evaluation team participants required in R 340.1707, R 340.1708, or R 340.1709, R 340.1709a, or R 340.1716.

R 340.1715 "Autism" defined; determination.

Rule 15. (1) "Autism" means a lifelong developmental disability that is typically manifested before 30 months of age. "Autism" is characterized by disturbances in the rates and sequences of cognitive, affective, psychomotor, language, and speech development.

(2) The manifestation of the characteristics specified in subrule (1) of this rule and all of the following characteristics shall determine if a student has autism:

- (a) Disturbance in the capacity to relate appropriately to people, events, and objects.
 - (b) Absence, disorder, or delay of language, speech, or meaningful communication.
 - (c) Unusual or inconsistent response to sensory stimuli in 1 or more of the following:
 - (i) Sight.
 - (ii) Hearing.
 - (iii) Touch.
 - (iv) Pain.
 - (v) Balance.
 - (vi) Smell.
 - (vii) Taste.
 - (viii) The way a student holds his or her body.
 - (d) Insistence on sameness as shown by stereotyped play patterns, repetitive movements, abnormal preoccupation, or resistance to change.
- (3) To be eligible under this rule, there shall be an absence of the characteristics associated with schizophrenia, such as delusions, hallucinations, loosening of associations, and incoherence.
- (4) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team. The team shall include, at a minimum, a psychologist or psychiatrist, an authorized provider of speech and language services under R 340.1745(d), and a school social worker.

R 340.1716. "Traumatic brain injury" defined; determination.

Rule 16. (1) "Traumatic brain injury" means an acquired injury to the brain which is caused by an external physical force and which results in total or partial functional disability or psychosocial impairment, or both, that adversely affects a student's educational performance. The term applies to open or closed head injuries resulting in impairment in 1 or more of the following areas:

- (a) Cognition.
 - (b) Language.
 - (c) Memory.
 - (d) Attention.
 - (e) Reasoning.
 - (f) Behavior.
 - (g) Physical functions.
 - (h) Information processing.
 - (i) Speech.
- (2) The term does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.
- (3) A determination of disability shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team, which shall include an assessment from a family physician or any other approved physician as defined in 1978 PA 368, MCL 333.1101 et seq.

**PART 2. EVALUATION, ELIGIBILITY, STUDENT ASSIGNMENT,
AND DUE PROCESS PROCEDURES**

R 340.1721 Parental consent for initial evaluation; contents of notice; refusal to consent or respond.

Rule 21. (1) Within 10 calendar days of receipt of a referral of a student suspected of having a disability, and before any formal evaluation designed to determine eligibility for special education programs and services, the public agency shall notify the parent and shall request written consent to evaluate. The written notice shall contain both of the following:

- (a) The reason or reasons an evaluation is sought and the nature of the evaluation.
- (b) A description of the types of special education programs and services currently available within the intermediate school district.

R 340.1721a Evaluation procedure.

Rule 21a. (1) Each student suspected of having a disability shall be evaluated by a multidisciplinary evaluation team as defined in R 340.1701b(b). If an initial evaluation review is conducted by the individualized education program team, then the multidisciplinary evaluation team shall complete the evaluation as determined by the individualized education program team in addition to requirements as defined in R 340.1705 to R 340.1716 as applicable to the suspected impairment.

(2) The multidisciplinary evaluation team shall do both of the following:

(a) Complete a diagnostic evaluation.

(b) Make a recommendation of eligibility and prepare a written report to be presented to the individualized education program team by the appointed multidisciplinary evaluation team member. The report shall include information needed to determine a student's present level of educational performance and educational needs of the student. Information presented to the individualized education program team shall be drawn from a variety of sources, including parent input.

(3) Special education personnel who are authorized to conduct evaluations of students suspected of having a disability may provide prereferral consultation to general education personnel in accordance with procedures established by the department.

R 340.1721b Individualized education program team participants.

Rule 21b. (1) The superintendent or his or her designee shall appoint participants to an individualized education program team and shall invite the parents to be participants.

(2) Upon request of the parent, a representative of the school district of residence shall be invited to attend the individualized education program team meeting if the district of residence has authorized the operating district to conduct program team meetings.

R 340.1721c Scheduling individualized education program team meeting; requesting parent participation.

Rule 21c. (1) The school district of residence is responsible for conducting the initial individualized education program team meeting involving a student in its district and shall conduct, or authorize the operating district to conduct, each subsequent individualized education program team meeting at a mutually agreed upon time and place.

(2) The time from referral or from receipt of parental consent to an initial evaluation to the completion of the individualized education program or the determination of ineligibility shall not be more than 30 school days. This time line begins upon receipt of the signed parental consent by the public agency requesting it and may be extended if agreed to by the parent and public agency.

R 340.1721d Responsibilities of the individualized education program team.

Rule 21d. Upon completing the individualized education program, the individualized education program team shall submit the individualized education program to the superintendent. The individualized education program shall not be restricted to the programs and services available.

R 340.1721e Individualized education program team meeting; determination of eligibility for special education programs and services; individualized education program.

Rule 21e. (1) The superintendent or his or her designee shall convene an individualized education program team meeting.

(2) An individualized education program shall be based on all diagnostic, medical, and other evaluative information requested by the team, or provided by the parent or student who is disabled and shall include all of the following information, in writing:

(a) A statement of the student's present level of educational performance.

(b) A statement of annual goals, including short-term objectives.

(c) Appropriate objective criteria and evaluation procedures and schedules for determining whether the objectives are being achieved.

(3) The individualized education program team shall determine whether the student has a need for placement with a special education teacher who is endorsed in a particular disability category. This subrule takes effect on July 1, 2003.

(4) Any participant in the individualized education program team's deliberations who disagrees, in whole or in part, with the team's determination may indicate the reasons therefor on the team's individualized education program report or may submit a written statement to be attached to the report.

(5) The Michigan school for the deaf shall be considered a part of the total continuum of services for students with a hearing impairment. The resident district shall conduct the individualized education program team meeting that initiates an assignment into the Michigan school for the deaf. Representatives of the intermediate school district of residence and the Michigan school for the deaf shall be invited to participate in the individualized education program team meeting. The state board of education shall adopt procedures for placement at the Michigan school for the deaf.

(6) The Michigan school for the blind shall be considered a part of the total continuum of services for students with a visual impairment. The resident district shall conduct the individualized education program team meeting that initiates an assignment into the Michigan school for the blind. Representatives of the intermediate school district of residence and the Michigan school for the blind shall be invited to participate in the individualized education program team meeting. The state board of education shall adopt procedures for placement at the Michigan school for the blind.

R 340.1722 Placement in special education programs and services.

Rule 22. (1) The individualized education program team determines the educational placement of a student with a disability in programs and services from a continuum of alternative placements, such as instruction in general education classes, special classes or special instruction in general education classes, special classes or special schools, home instruction in hospitals and institutions, resource rooms, or itinerant instruction with general education class placements.

(2) The superintendent or his or her designee shall appoint a staff person to be responsible for the implementation of the individualized education program, including services provided by other agencies. The person shall be either the principal of the building where the primary educational program is provided to the student who has a disability or other staff person who is generally accessible to the staff and who will be working with the student who has a disability.

R 340.1722a Implementation of individualized education program.

Rule 22a. (1) The superintendent of the school district of residence, upon receipt of the individualized education program, shall, within 7 calendar days, either appeal under R 340.1724 or provide written notice to the parent of the agency's intent to implement special education programs and services. The notice shall identify where the programs and services are to be provided and when the individualized education program begins.

(2) The parent, upon receipt of notification from the superintendent, shall have the right, at any time, to appeal the decision under R 340.1724. If the parent does not appeal, then the superintendent shall initiate the individualized education program as soon as possible, but not later than 15 school days after the parent has been notified. An initiation date may be later than 15 school days if clearly specified in the individualized education program; however, a projected initiation date shall not be used to deny or delay programs or services because they are not available and shall not be used for purposes of administrative convenience.

(3) If a student with a disability is to be provided special education or related services for the first time, then the parent has 10 calendar days after receipt of the notice from the superintendent to provide the public agency with written consent to provide special education programs and services. If the parent refuses consent or does not respond, then the public agency has the right to request a hearing under R 340.1724.

R 340.1722c Rescinded.

R 340.1722d Rescinded.

R 340.1722e Previous enrollment in special education.

Rule 22e. (1) If a student who currently receives special education programs or services enrolls in a new school district, then the new school district shall do either of the following:

- (a) With the parent's consent, immediately implement the student's current individualized education program.
 - (b) With the parent's consent, immediately place the student in an appropriate program or service and convene an individualized education program team meeting within 30 school days to develop an individualized education program.
- (2) If the parent does not provide consent for placement, then the school district will implement the student's current individualized education program to the extent possible and an individualized education program team meeting shall be convened to develop a new individualized education program as soon as possible, but not later than 30 school days.

R 340.1722f Rescinded.

R 340.1723 Rescinded.

R 340.1723a Rescinded.

R 340.1723b Rescinded.

R 340.1723c Right to independent educational evaluation.

Rule 23c. (1) Each public agency shall provide parents with information about independent educational evaluations at public expense. The information shall include all of the following:

- (a) Criteria regarding credentials for qualified examiners.
 - (b) Suggested sources and locations.
 - (c) Procedures for reimbursement.
 - (d) Reasonable expected costs.
 - (e) Notification that the parent is not restricted to choosing from sources suggested by the public agency.
- (2) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. The parent shall submit the parent's disagreement and request in written, signed, and dated form. However, the public agency may initiate a hearing under R 340.1724 to show that its evaluation is appropriate. The public agency shall respond, in writing, to the request within 7 calendar days of its receipt by indicating the public agency's intention to honor the request or to initiate the hearing procedure under R 340.1724. If the hearing officer determines that the evaluation is appropriate, then the parent still has the right to an independent educational evaluation, but not at public expense.
- (3) The school district shall disclose to the parent, before evaluation, whether the examiner who was contracted to provide an independent educational evaluation provides services to the public agency that are in addition to the independent educational evaluation.
- (4) An independent educational evaluation shall not be conducted by an examiner or examiners who otherwise or regularly contract with the public agency to provide services, unless the examiner or examiners are agreeable to the parent.

R 340.1724 Impartial due process hearing.

Rule 24. (1) A parent, the school district of residence, the school district of operation, the Michigan schools for the deaf and blind, or the department may initiate a hearing on any of the matters relating to the identification, evaluation, educational placement of the student, or the provision of a free appropriate public education. The party initiating a hearing shall notify the other parties, in writing, of its intent to initiate the hearing.

- (2) The hearing shall be arranged or conducted by the district of residence and the district of residence shall pay all direct costs incurred by the school district as a result of arranging or conducting the hearing.
- (3) Before the appointment or selection of a hearing officer, the hearing may be delayed or terminated upon written stipulation by the public agency and the parent. The agency responsible for the hearing shall submit the written stipulation to the department. After the appointment or selection of a hearing officer, the hearing may be

delayed with the approval of the hearing officer or terminated upon written stipulation of the public agency and the parent. A copy of the stipulation to terminate shall be provided to the hearing officer and to the department.

(4) Each public agency responsible for arranging or conducting a hearing shall immediately forward to the department 2 copies of the hearing decision; 1 with all personal identifiers pertaining to the student deleted and 1 with personal identifiers included.

(5) The department shall send a copy of the decision to the intermediate school district with a notice to inform the department that the decision has been implemented.

(6) Any party who is aggrieved by the findings and the decision of a hearing conducted under this rule may appeal to the department within 25 calendar days of receipt of the decision for a state review. The appealing party shall send a copy of the party's appeal to the other party. The department of education shall adopt procedures for appointment of review officers and an appeal process.

(7) In the absence of an appeal, unless otherwise specified in the hearing officer's decision or the reviewing official's decision, the decision shall be implemented by the public agency within 15 school days of the agency's receipt of the decision.

R 340.1724a Impartial hearing officer; appointment.

Rule 24a. (1) The superintendent of the public agency shall contract for the services of an impartial hearing officer who is mutually agreeable to both parties or who has been appointed by the department. If the parent and the public agency cannot agree on a hearing officer within 14 calendar days following the hearing request, then the superintendent shall immediately request that the department appoint an impartial hearing officer according to procedures established by the department.

(2) A hearing shall not be conducted by an employee or board member of the involved local school district, of another local school district within the same intermediate school district, of a public school academy within the same intermediate school district, or of the intermediate school district of which the involved local school district is a part.

(3) Each public agency shall keep a current department-developed and department-distributed list of the persons trained as hearing officers according to procedures established by the department who serve as hearing officers. This list shall be provided to parents upon any request for a hearing. The list shall include a statement of qualifications of each of the listed persons.

R 340.1724b Rescinded.

R 340.1724c Expedited hearings.

Rule 24c. (1) The expedited hearing process shall be a 1-tier hearing process. The superintendent or chief executive officer of each public agency shall contract for the services of a mutually agreed upon impartial special education hearing officer within 5 business days of receipt of a written request for an expedited hearing.

(2) If the parties to an expedited hearing cannot mutually agree on the selection of an impartial special education hearing officer, then the public agency shall request the department to immediately appoint a special education hearing officer from the current department-developed and department-distributed list of the persons who serve as hearing officers as required by R 340.1724a(3).

(3) Expedited hearings shall address only those issues of disagreement relating to any of the following:

(a) A determination that a student's behavior was not a manifestation of the student's disability.

(b) A decision regarding the provision of an appropriate interim alternative educational setting.

(c) Seeking an interim alternative setting for not more than 45 days for a student who may demonstrate potential harmful or injurious behavior to himself, herself, or others.

(4) The parties to an expedited hearing shall, within 5 business days before the hearing, provide the other party with a list of potential witnesses and any documents to be used as evidence, including, but not limited to, any pertinent evaluations and recommendations.

(5) The special education hearing officer has the authority to rule on a request to bar any evidence to be used in an expedited hearing not disclosed to the other party at least 5 business days before the expedited hearing only when the introduction of evidence is disputed by the other party.

(6) The special education hearing officer shall render and mail a final decision to all parties within 45 calendar days after the receipt of the written request for an expedited hearing from the superintendent or chief executive officer or his or her designee without exceptions or time extensions.

(7) Any party to the expedited hearing who is aggrieved by the decision of the hearing officer may appeal the decision to a court of competent jurisdiction.

R 340.1724d Mediation.

Rule 24d. (1) A parent or public agency may request a mediation process in which the relief sought consists of a mutually agreeable settlement between the parties of a dispute that might be the subject of a complaint under part 8 of the rules or a due process hearing under

R 340.1724 or R 340.1724(c).

(2) The mediator shall be subject to mutual agreement by the parties.

(3) The state board shall approve procedures regarding the mediation process.

R 340.1725 Rescinded.

R 340.1725a Rescinded.

R 340.1725b Rescinded.

R 340.1725c Rescinded.

R 340.1725d Rescinded.

R 340.1725e Hearing officer or state reviewing official; duties and authority.

Rule 25e. (1) The hearing officer or state reviewing official has the authority to do all of the following:

(a) Administer oaths and affirmations.

(b) Sign and issue subpoenas requiring the attendance and giving of testimony by witnesses and the production of documents.

(c) Provide for the taking of testimony.

(d) Require a prehearing conference, if appropriate, to consider and take action regarding any of the following:

(i) The formulation and simplification of the issues.

(ii) Admissions of fact and documents that will avoid unnecessary testimony.

(iii) The need and scheduling for the filing of motions, briefs, and dates for further conferences and the hearing.

(iv) Settlement, which may include encouraging the use of mediation or other alternative dispute resolution options.

(v) The filing and disposition of requests or motions.

(vi) Establishing a reasonable limit on the time allowed for presenting evidence.

(vii) Other matters as may facilitate the disposition of the hearing.

(e) Control the conduct of parties or participants in the hearing for the purpose of assuring an orderly procedure.

(f) Grant a specific extension of time at the request of either party for good cause.

(2) The hearing officer shall disclose to both parties any relationship of a professional or personal nature that might have a bearing on the hearing officer's ability to conduct a fair hearing or render an impartial decision and shall consider motions to disqualify himself or herself.

(3) The hearing officer may admit and consider evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Irrelevant, immaterial, and unduly repetitious evidence may be excluded. Effect shall be given to the rules of privilege recognized by law.

R 340.1725f Surrogate parent.

Rule 25f. Each public agency shall appoint persons to serve as surrogate parents in accordance with procedures approved by the state board of education.

PART 3. ADMINISTRATION OF PROGRAMS AND SERVICES

R 340.1732 Designation of residency.

Rule 32. (1) A student with a disability is a resident of 1 school district in which the student has enrolled, and in which at least 1 of the student's parents resides. If the parents are legally separated or divorced and reside in different school districts, then the student with a disability may enroll in 1 of the school districts where either parent resides, regardless of the school district of residence of the parent having custody. The school district in which the student has enrolled remains the student's resident school district when either of the following occurs:

(a) The student with a disability sleeps, keeps personal effects, and regularly lodges in a school district other than the school district in which a parent resides, for an educational purpose, not for the purpose of securing a suitable home.

(b) The student with a disability is lodged in a school district other than the school district in which a parent resides as directed by an agency or institution under the auspices of a court, the department of community health, or the family independence agency in a facility such as a private home, group home, or a private or public institution.

(2) Both of the following situations are exceptions to the provisions of subrule (1) of this rule:

(a) If a guardian has been appointed to provide the student with a disability with a suitable education, then the student is a resident of the school district in which the guardian resides.

(b) If the student with a disability is under the control or custody of the family division of circuit court and is a ward of the state, has no living parent or guardian, or the parents reside out of the state, then the student is a resident of the school district in which the family division of circuit court is located.

(3) A student with a disability who is not covered in subrule (1) or (2) of this rule is a resident of the school district in which the student habitually sleeps, keeps personal effects, and has a regular place of lodging for the purpose of securing a suitable home and not solely for an educational purpose.

(4) Notwithstanding the provisions of subrules (1), (2), and (3) of this rule, all of the following provisions apply when the student with a disability is placed under the order or direction of a court or child placement agency and is lodged in a state institution, licensed foster home, licensed nursing home, or licensed group residential facility:

(a) The school district in which the institution, home, or facility is located shall provide for the delivery of special education programs and services to the student with a disability under section 1751 of 1976 PA 451, MCL 380.1751.

(b) The student with a disability shall be deemed to be a resident of the school district for the purpose of record maintenance required by 1976 PA 451, MCL 380.1757.

(c) For all other purposes, including funding, the student's residence shall be determined under subrules (1), (2), and (3) of this rule.

(5) If a disagreement occurs between 2 or more school districts as to the residency of a student with a disability, then all of the following procedures apply:

(a) Notice shall be sent to the department by a school district involved. The notice shall include all of the following information:

(i) The names of all of the school districts alleged as a resident school district.

(ii) The name of the student involved.

(iii) The name and address of the parent or guardian, or address of the student if the student is over 18 years of age.

(b) The department or its representative shall immediately notify the school districts involved and the parent, guardian, or student of the receipt of notice of disagreement.

(c) Within 7 calendar days of receipt of notice from the department, all parties shall provide the department with a written statement of their position and supporting facts.

(d) Within 14 calendar days of the receipt of a notice of a disagreement from a school district, the department shall investigate the matter, consider information received from the parties involved, and make a determination as to the residency of the student. A copy of the determination shall be immediately sent to each party involved.

(e) Upon a written demonstration of just cause by any party involved, the state board of education or its designee may extend the time limits set forth in this subrule.

R 340.1733 Program and service requirements; effective dates.

Rule 33. An intermediate school district, local school district, public school academy, and any other agency shall adhere to all of the following general requirements for all programs and services for students with disabilities:

(a) Special education classrooms or areas where related services are provided shall have at least the same average number of square feet per student, light, ventilation, and heat conditions as provided for general education students in the school district.

(b) Programs for students with severe cognitive impairment and severe multiple impairments which have students under 16 years of age shall not exceed a 6-year age span at any one time.

(c) All other special education programs which have students under 16 years of age and which are operated in separate facilities shall not exceed a 4-year age span at any one time.

(d) The age span for students who are assigned to special education programs, except for programs for students with severe cognitive impairment and severe multiple impairments, operated in elementary buildings attended by children who are nondisabled, shall not exceed, at any one time, a 6-year age span or the age span of the students who are nondisabled in the building, whichever is less.

(e) The age span for students who are assigned to special education programs, except for programs for students with severe cognitive impairment and severe multiple impairments, operated in secondary buildings attended by students who are nondisabled, shall not exceed, at any one time, the age span of the students who are nondisabled in the building, except in high school buildings where students up to 26 years of age may be served. The term "nondisabled" shall not include persons participating in adult education programs.

(f) Programs for students with severe cognitive impairment, severe multiple impairments, and moderate cognitive impairment shall comply with subdivisions (a), (b), (c), (d), and (e) of this rule unless a program is operated in accordance with an approved intermediate school district plan where, due to the low incidence of eligible students, expanded age ranges may be necessary for programmatic feasibility and meeting the needs of students.

(g) Students with disabilities qualifying for special education programs and services shall be provided with supplies and equipment at least equal to those provided to other students in general education programs, in addition to those supplies and equipment necessary to implement a student's individualized education program.

(h) Intermediate school districts, local school districts, public school academies, or a combination of such agencies in cooperation with public and private entities, shall provide or contract for the provision of transition services. Special education teachers shall be assigned to supervise such services. Professional special education personnel, a transition coordinator, or both, shall coordinate transition services.

(i) For worksite-based learning, a written agreement/plan is required and shall be signed by the student, parent, school, and worksite representative. The agreement shall set forth all of the following information:

(i) Expectations and standards of attainment.

(ii) Job activities.

(iii) Time and duration of the program.

(iv) Wages to be paid to the student, if applicable.

(v) Related instruction, if applicable.

The superintendent of the school district shall designate a staff member to visit the student's worksite at least once every 30 calendar days for the duration of the program to check attendance and student progress and assess the placement in terms of health, safety, and welfare of the student.

(j) Substitute instructional aides specified in R 340.1738, R 340.1739, and R 340.1748 shall be provided when assigned instructional aides are absent. In addition, teacher aides specified in R 340.1739 and R 340.1740 shall be provided when assigned teacher aides are absent.

(k) Secondary special education teachers shall teach either special education courses approved for graduation by the local education agency or special education courses within an approved special education curriculum.

R 340.1734 Deviations from rules.

Rule 34. (1) A deviation from these rules shall follow board-approved procedures and be requested, in writing, from the state board of education or its designee by an intermediate school district, local school district, or public school academy that operates or contracts for special education programs and services. A copy of the request shall be filed concurrently with the intermediate school district in which affected students with disabilities reside and all local constituent school districts in which the affected students with disabilities reside. A copy of the request shall be filed concurrently with the parent advisory committee of the intermediate school district that

requests the deviation and the parent advisory committee of any intermediate school district in which affected students with disabilities reside.

(2) Within 7 days of receipt of the request, the intermediate school district shall review and inquire into the request and shall file, with the department, its position regarding the appropriateness of the request and its objections to, or endorsement of, the request, together with the rationale regarding its position.

(3) The state board of education or its designee shall initiate action within 30 calendar days of receipt of the request. The board or its designee may grant the request, in writing, for a period not to extend beyond the end of the current school year and upon such terms and conditions as it shall specify only when, in its judgment, the best interests of the students with disabilities affected by the deviation are served and good cause is shown.

(4) A deviation shall not be granted when the intent of the deviation is to exclude a student with a disability from, or deny a student with a disability participation in, a special education program or service that is required.

(5) A program deviation that is granted by the state board of education or its designee is public information. The affected intermediate school districts, constituent local school districts, or public school academies shall inform their involved personnel of granted deviations in any manner they deem appropriate. At a minimum, the parent advisory committee shall be informed of the disposition of the request.

(6) A deviation shall not be requested for the purpose of avoiding or postponing corrections directed by the department under part 8 of these rules.

(7) If a final decision to deny a deviation request is made, then the school district that makes the request shall correct the condition that precipitated the request and shall forward to the department, office of special education and early intervention services, within 30 school days of the denial, its assurance that the matter is now in compliance with the respective rule.

(8) Nothing in this rule or any other provision of statute or regulation shall permit the state board of education to waive any of the requirements of Part B of the individuals with disabilities education act, as amended, 20 U.S.C. §1400 et seq.

R 340.1736 Rescinded.

R 340.1737 Rescinded.

R 340.1738 Programs for students with severe cognitive impairment.

Rule 38. Programs for students with severe cognitive impairment shall be operated as follows:

(a) There shall be 1 teacher and 2 instructional aides for a maximum of 12 students. The maximum number of students may be extended to 15 if an additional instructional aide is assigned with the placement of the thirteenth student. At least 1 full-time teacher and 1 full-time aide shall be employed in every program for students with severe cognitive impairment.

(b) Programs for students with severe cognitive impairment shall consist of a minimum of 230 days and 1,150 clock hours of instruction. The first 5 days when pupil instruction is not provided because of conditions not within the control of school authorities, such as severe storms, fires, epidemics, or health conditions as defined by the city, county, or state health authorities, shall be counted as days of pupil instruction. Subsequent days shall not be counted as days of pupil instruction.

(c) Teachers shall be responsible for the instructional program and shall coordinate the activities of aides and supportive professional personnel.

(d) Instructional aides shall work under the supervision of the teacher and assist in the student's daily training program.

(e) Program assistants may assist the teacher and the instructional aides in the feeding, lifting, and individualized care of students with severe cognitive impairment.

(f) A registered nurse shall be reasonably available.

R 340.1739 Programs for students with moderate cognitive impairment.

Rule 39. Programs for students with moderate cognitive impairment shall be operated as follows:

(a) There shall be 1 teacher and 1 teacher aide for a maximum of 15 students.

(b) There shall be 1 lead teacher and a maximum of 3 instructional aides for a maximum of 30 students, with not more than 10 students for each aide.

R 340.1740 Programs for students with mild cognitive impairment.

Rule 40. Programs for students with mild cognitive impairment shall be operated as follows:

- (a) Elementary programs for students with mild cognitive impairment shall serve not more than 15 different students. When an elementary program for students with mild cognitive impairment has 12 or more students in the room at one time, an aide shall be assigned to the program.
- (b) Secondary programs for students with mild cognitive impairment shall have not more than 15 different students in the classroom at any one time and the teacher shall be responsible for the educational programming for not more than 15 different students.

R 340.1741 Programs for students with emotional impairment.

Rule 41. Programs for students with emotional impairment shall have not more than 10 students in the classroom at any one time, and the teacher shall be responsible for the educational programming for not more than 15 different students.

R 340.1742 Programs for students with hearing impairment.

Rule 42. Programs and services for students with hearing impairment shall be operated as follows:

- (a) A special class with 1 teacher shall have an enrollment of not more than 7 students.
- (b) Group amplification devices deemed necessary for instruction by the individualized education program team shall be provided. The public agency shall ensure that the amplification devices worn by hearing impaired children in school are functioning properly.

R 340.1743 Programs for students with visual impairment.

Rule 43. Programs and services for students with visual impairment shall be determined by the severity and multiplicity of the impairments. A special class with 1 teacher shall have an enrollment of not more than the equivalent of 8 full-time students, and the teacher shall be responsible for the educational programming for not more than 10 different students. The public agency shall ensure that low vision aids, excluding prescription eye glasses, are available and functioning properly.

R 340.1744 Programs for students with physical impairment or other health impairment.

Rule 44. (1) Programs for students with physical impairment or other health impairment shall have not more than 10 students in the classroom at any one time, and the teacher shall be responsible for the educational programming for not more than 15 different students.

- (2) Special classroom units serving students with physical or other health impairment shall provide not less than 60 square feet of floor space per person.

R 340.1745 Services for students with speech and language impairment.

Rule 45. All of the following provisions are specific requirements for speech and language services:

- (a) The speech and language services provided by an authorized provider of speech and language services shall be based on the needs of a student with a disability as determined by the individualized education program team after reviewing a diagnostic report provided by an authorized provider of speech and language services.
- (b) The determination of caseload size for an authorized provider of speech and language services shall be made by the authorized provider of speech and language services in cooperation with the district director of special education, or his or her designee, and the building principal or principals of the school or schools in which the students are enrolled. Caseload size shall be based upon the severity and multiplicity of the disabilities and the extent of the service defined in the collective individualized education programs of the students to be served, allowing time for all of the following:
 - (i) Diagnostics.
 - (ii) Report writing.
 - (iii) Consulting with parents and teachers.
 - (iv) Individualized education program team meetings.
 - (v) Travel.

(c) Individual caseloads of authorized providers of speech and language services shall not exceed 60 different persons and shall be adjusted based on factors identified in subdivision (b) of this rule. Students being evaluated shall be counted as part of the caseload.

(d) An authorized provider of speech and language impaired services shall be either a teacher of students with speech and language impairment under R 340.1781, R 340.1782, and R 340.1796, or a person with a master's degree, as qualified under R 340.1792.

R 340.1746 Homebound and hospitalized services.

Rule 46. Specific requirements for homebound and hospitalized services are as follows:

(a) Homebound services shall be initiated within 15 school days after verification, by a licensed physician, of a medical impairment which requires the eligible special education student to be confined to the home. Such verification shall indicate the anticipated duration of the required confinement.

(b) Hospital service shall be provided for eligible special education students who cannot attend school because of hospitalization for a physical or medical impairment. These services shall be initiated when determined medically feasible.

(c) A special education teacher employed for homebound or hospital services, or for a combination of these services, shall be assigned not more than 12 students at any one time.

(d) Progress reports for each person shall be recorded pursuant to the intermediate school district plan.

(e) Students receiving homebound or hospital services shall receive a minimum of 2 nonconsecutive hours of instruction per week. Related services personnel may supplement, but not substitute for, the teacher's instruction.

(f) It is the responsibility of the district in which the hospital is located to make homebound and hospital services available to eligible students. If the student is hospitalized outside of the district of residence, the district of residence is responsible for delivering services or for contracting with the operating district and making payment for the services.

(g) Homebound and hospitalized services shall not be substituted for special education programs. Rather, the service provider shall endeavor, to the extent appropriate, to present curricular experiences which are being provided in the program where the student is currently enrolled.

R 340.1747 Programs for students with specific learning disabilities.

Rule 47. Programs for students with specific learning disabilities shall have not more than 10 students in the classroom at any one time, and the teacher shall be responsible for the educational programming for not more than 15 different students.

R 340.1748 Programs for students with severe multiple impairments.

Rule 48. (1) Programs and services for students with severe multiple impairments shall consist of at least 1 teacher and 2 instructional aides for a maximum of 9 students. At least 1 full-time teacher and 1 full-time aide shall be employed in every program for students with severe multiple impairments.

(2) Programs for students with severe multiple impairments shall consist of a minimum of 230 days and 1,150 clock hours of instruction. The first 5 days when pupil instruction is not provided because of conditions not within the control of school authorities, such as severe storms, fires, epidemics, or health conditions as defined by the city, county, or state health authorities, shall be counted as days of pupil instruction. Subsequent days shall not be counted as days of pupil instruction.

(3) A registered nurse shall be reasonably available.

R 340.1749 Teacher consultant; caseload; responsibilities.

Rule 49. (1) The teacher consultant for special education shall do 1 or more of the following:

(a) Provide instructional services to students who are enrolled in special education programs. Instructional services are supportive of the special education teacher. A teacher consultant shall not grade, give credit for, or teach a general education or a special education subject, class, or course.

(b) Provide instructional services to a student whose disability is such that the student may be educated effectively within a general education classroom if this service is provided to the student. Instructional services are supportive of the general education teacher. The teacher consultant shall not grade, give credit for, or teach a general education subject, class, or course.

- (c) Provide consultation to education personnel on behalf of students with disabilities on the consultant's caseload.
- (d) Work as a member of a multidisciplinary evaluation team to assist in the evaluation of the educational needs of persons suspected of being disabled.
- (2) The teacher consultant shall carry an active caseload of not more than 25 students with disabilities. All students served under this rule shall be counted as part of the caseload. In establishing the caseload, consideration shall be given to time for all of the following:
 - (a) Instructional services.
 - (b) Evaluation.
 - (c) Consultation with special and general education personnel.
 - (d) Report writing.
 - (e) Travel.
- (3) The teacher consultant shall not serve in supervisory or administrative roles.

R 340.1749a Elementary level resource program.

Rule 49a. (1) A special education elementary level resource program may be provided by a special education teacher.

- (2) The elementary resource teacher shall serve not more than 10 students at any one time and not more than 18 different students and shall do either or both of the following:
 - (a) Provide direct instruction to students on the resource teacher's caseload and may assign grades or other evaluative measures for this instruction.
 - (b) Provide support to the general education classroom teachers to whom special education students on the resource teacher's caseload have been assigned. Time shall be allocated to the resource teacher to carry out this responsibility.
- (3) The elementary resource teacher may provide supplemental instruction to students on his or her caseload.
- (4) The elementary resource teacher may evaluate general education students within the same building who are suspected of having a disability and, therefore, may serve on the initial multidisciplinary evaluation team. The resource teacher shall be responsible for the evaluation of not more than 2 students at one time. Time shall be allocated to the resource teacher to carry out this responsibility.
- (5) If the special education teacher to whom the student is assigned does not have an endorsement in the area which matches the student's disability, the individualized educational planning committee shall determine if a teacher consultant with such credentials is needed to provide consultation, resources, and support services to the resource teacher.

R 340.1749b Secondary level resource program.

Rule 49b. (1) A special education secondary level resource program may be provided by a special education teacher.

- (2) A secondary resource teacher shall serve not more than 10 students at any one time and have a caseload of not more than 20 different students and shall do either or both of the following:
 - (a) Provide direct instruction for special education courses approved for graduation by the local educational agency. The teacher may assign grades or other evaluative measures for this instruction.
 - (b) Provide support to the general education classroom teachers to whom special education students on the resource room teacher's caseload have been assigned. Time shall be allocated to the resource teacher to carry out this responsibility.
- (3) The secondary resource teacher may provide supplemental instruction to students on his or her caseload who are enrolled in general education classes. The teacher shall not teach a class and offer tutorial assistance at the same time.
- (4) If the special education teacher to whom the student is assigned does not have an endorsement in the area which matches the student's disability, the individualized educational planning committee shall determine if a teacher consultant with such credentials is needed to provide consultation, resources, and support services to the resource teacher.

R 340.1749c Departmentalization of special education programs.

- Rule 49c. (1) A school with more than 1 special education teacher may departmentalize.
(2) Each teacher shall teach only 1 local education agency approved special education course per period.
(3) Each teacher may serve more than the students assigned to his or her caseload; however, the total number of students served cannot exceed the combined caseloads of the participating teachers.
(4) Each teacher shall serve not more than an average of 10 students per class period per instructional day.

R 340.1750 Director of special education.

- Rule 50. (1) Local school districts or public school academies may employ, or contract for the services of, a not less than half-time director of special education under the intermediate school district plan.
(2) Each intermediate school district shall employ, or contract for the services of, a full-time director of special education.

R 340.1751 Supervisor of special education.

- Rule 51. (1) A local school district, public school academy, or intermediate school district may employ a supervisor of special education instructional programs. The person shall be employed not less than half-time.

R 340.1753 Rescinded.

R 340.1754 Early childhood special education programs.

- Rule 54. All of the following provisions are specific requirements for early childhood special education programs for young children with disabilities or developmental delay:
(a) An early childhood special education program with an approved early childhood special education teacher may be provided to young children with disabilities or developmental delay who are 2 1/2 through 5 years of age based upon the child's individual needs as specified by the individualized education program team. Early childhood special education programs may include children under 2 1/2 years of age as specified by the individualized education program team.
(b) The program shall be available for a minimum of 360 clock hours and 144 days of instruction. If a preschool-aged child with a disability or developmental delay is placed in a nonspecial education program, then the individualized education program team shall consider the need for consultation by an early childhood special education teacher.
(c) The program shall have not more than 12 students for 1 teacher and 1 aide at any one time, and the teacher shall have responsibility for the educational programming for not more than 24 different students.
(d) Early childhood special education programs shall have a parent participation and education component.

R 340.1755 Early childhood special education services.

- Rule 55. All of the following provisions are specific requirements for early childhood special education services for young children with disabilities or developmental delay in family and community settings:
(a) Services shall be provided by an approved early childhood special education teacher or approved related services staff to young children birth through age 5 based upon the child's individual needs as specified by the individualized education program or the combined individualized education/family service plan, as appropriate. Approved related services staff shall work under the supervision of an approved early childhood special education teacher.
(b) Services shall be provided for a minimum of 2 hours per week, but not less than 72 clock hours within 180 school days. Services may be provided in appropriate early childhood community or family settings.
(c) Early childhood special education services shall have a parent participation and education component.

R 340.1756 Programs for students with severe language impairment.

- Rule 56. (1) A public agency may establish programs for students with severe language impairment. Specific requirements for these programs are as follows:
(a) A program for students with severe language impairment conducted by a teacher of programs for students with speech and language impairment shall serve only young children with disabilities or developmental delay or elementary students with severe language impairment.

(b) The program shall have not more than 10 students or young children with speech and language impairment in the classroom at any one time, and the teacher shall have responsibility for the educational programming for not more than 15 different children.

(2) Students or young children with speech and language impairment eligible for this program are those with a severe disability in the comprehension or expression of language as determined through the manifestation of all of the following characteristics which adversely affects educational performance:

(a) Demonstration of functioning within or above normal intellectual potential as measured by instruments that do not rely exclusively on oral direction or oral expression.

(b) Test results on not less than 2 standardized assessment instruments or 2 subtests designed to determine language functioning which clearly show language functioning not appropriate for the child's mental age.

(c) Oral language at less than the expected level based on the child's mental age in not less than 2 of the following areas:

(i) Phonology.

(ii) Morphology.

(iii) Syntax.

(iv) Semantics.

(v) Pragmatics.

(3) The programs for students with severe language impairment are not designed for children whose language impairment is primarily the result of autism or cognitive, emotional, hearing, visual, physical, or other health impairments as defined in part 1 of these rules.

R 340.1757 Other related educational services for students placed in juvenile detention facilities.

Rule 57. All of the following provisions are specific requirements for educational services conducted for students placed in juvenile detention facilities:

(a) Programs shall be initiated within 5 calendar days after admission. If a student placed in a juvenile detention facility is suspected of having a disability, then the procedure outlined in part 2 of these rules shall be immediately followed.

(b) Notification of educational placement shall be sent to the superintendent of the district of residence within 5 school days after the date of entry of a student into the educational program in a juvenile detention facility.

(c) Education reports for each student educated in a juvenile detention facility shall be sent by certified mail to the superintendent of the district of residence, with the consent of the parent, within 5 school days from the date of release from the facility.

(d) Special education reimbursed personnel may provide educational services for students who do not have disabilities and who are placed in the facility, if the programs comply with both of the following provisions:

(i) They are under the supervision of a teacher approved in the area of emotional impairment.

(ii) They have not more than 10 students in a class at any one time.

R 340.1758 Programs for students with autism.

Rule 58. (1) Specific requirements for programs for students with autism shall be provided using either of the following alternatives:

(a) Programs that consist of 1 classroom program for students with autism shall not have more than 5 students and shall be served by a teacher of students with autism. However, programs that consist of more than 1 classroom may have more than 5 students in a classroom, if the average student-to-teacher-and-aide ratio does not exceed 5 students to 1 teacher and 1 aide. A classroom with 3 or more students shall have 1 aide.

(b) A special education program described in the intermediate school district plan set forth in R 340.1832(d) and approved by the state board of education that assures the provision of educational programming for students with autism.

PART 4. QUALIFICATIONS OF DIRECTORS AND SUPERVISORS

R 340.1771 Director of special education; education and experience requirements.

Rule 71. (1) For full approval, a director of special education shall possess all of the following minimum qualifications:

(a) An earned master's degree or equivalent.

- (b) Full approval in at least 1 area of special education.
- (c) Three years of successful professional practice or administrative experience in special education, or a combination of practice and experience.
- (d) Thirty semester or equivalent hours of graduate credit and a successful 200-clock-hour practicum in special education administration. Graduate credit shall be earned in a college or university whose program has been approved by the state board of education and shall be distributed appropriately to assure knowledge and competency as related to special education in all of the following areas:
 - (i) Program development and evaluation.
 - (ii) Personnel staffing, supervision, and evaluation.
 - (iii) Interpersonal relationships, communications, persuasion, and morale.
 - (iv) Evaluation of inservice organization and management.
 - (v) Budgeting, financing, and reporting.
 - (vi) Parent relationships.
 - (vii) School plant planning.
 - (viii) Consultation.
 - (ix) Research and grant writing.
 - (x) Office management, including office automation.
 - (xi) School-related legal activities and due process hearing.
 - (xii) Computer-assisted management.
- (e) One year of successful experience as a special education director in an approved special education program.
- (f) Verification from a college or university approved for the preparation of special education directors which attests that the person has acquired the knowledge and competencies in subdivision (d) of this subrule and has demonstrated leadership ability and general knowledge of issues and problems in all disability areas of special education.
- (2) A director of special education programs who has full approval status shall maintain full approval status indefinitely.
- (3) For temporary approval, a director of special education shall possess all of the following minimum qualifications:
 - (a) An earned master's degree or equivalent.
 - (b) Full approval in at least 1 area of special education.
 - (c) Three years of successful professional practice or administrative experience in education, or a combination of practice and experience.
 - (d) Twelve semester or equivalent hours of graduate credit and a successful 200-clock-hour practicum in special education administration. Graduate credit shall be earned in a college or university whose program has been approved by the state board of education and shall be distributed appropriately to assure knowledge and competency related to special education in the areas designated in subrule (1)(d) of this rule.
 - (e) The college or university approved for the preparation of special education directors shall verify enrollment in the director of special education preparation program and the completion of the practicum specified in subdivision (d) of this subrule.
- (4) Continuation of temporary approval is dependent upon the satisfactory completion of not less than 6 semester or equivalent hours of required credit toward full approval before the beginning of the next school year.
- (5) Any person who has completed all course work and practicum requirements in effect before the effective date of these rules shall only be required to complete 1 year of successful experience as a director to gain full approval.

R 340.1772 Supervisor of special education; education and experience requirements.

Rule 72. (1) For full approval, a supervisor of special education shall possess all of the following minimum qualifications:

- (a) An earned master's degree or equivalent.
- (b) Full approval in at least 1 area of special education.
- (c) Three years of successful experience in special education.

(d) Twelve semester or equivalent hours of graduate credit in a college or university whose program has been approved by the state board of education. Graduate credit shall be distributed appropriately to assure knowledge and competency as related to special education in all of the following areas:

- (i) Systematic study of curriculum.
- (ii) Administrative and supervisory procedures.
- (iii) Evaluation methods and procedures.
- (iv) Communication skills techniques.
- (v) Inservice education.
- (vi) Computer-aided instruction.

(e) One year of successful experience as a supervisor of special education in an approved special education program.

(f) Verification from a college or university approved for the preparation of special education supervisors relative to leadership, knowledge, and competency in the areas listed in subdivision (d) of this subrule.

(2) A supervisor of special education programs who has full approval status shall maintain full approval status indefinitely.

(3) For temporary approval, a supervisor of special education shall possess all of the following minimum qualifications:

- (a) An earned master's degree or equivalent.
- (b) Full approval in at least 1 area of special education.
- (c) Three years of successful experience in special education.
- (d) Verification from a college or university approved by the state board of education for preparation of special education supervisors of enrollment in the supervisor of special education program.

(4) Continuation of temporary approval is dependent upon the satisfactory completion of not less than 6 semester or equivalent hours of required credit toward full approval before the beginning of the next school year.

(5) Any person who has completed all course work and practicum requirements in effect before the effective date of these rules shall only be required to complete 1 year of successful experience as a supervisor to gain full approval.

R 340.1773 Rescinded.

R 340.1774 Out-of-state applicants for supervisor or director; temporary approval.

Rule 74. An applicant for temporary approval as a supervisor or director of special education who has been educated in another state shall present evidence of fulfilling all of the requirements established for applicants who have been educated in approved Michigan colleges and universities. The department shall establish procedures for the temporary approval of out-of-state applicants as supervisors or directors of special education.

PART 5. QUALIFICATIONS OF TEACHERS AND OTHER PERSONNEL

R 340.1781 Teachers of students with disabilities; endorsement requirements.

Rule 81. (1) A teacher seeking an endorsement or full approval by the state board of education or its designee shall meet all of the following general skill requirements, in conjunction with those of R 340.1782 to R 340.1788, R 340.1795 to R 340.1797, and

R 340.1799 to R 340.1799d, before being employed by an intermediate school district, local school district, public school academy, or other agency operating special education programs and services:

(a) Theoretical foundations as follows:

(i) Understanding of human growth and development, which shall include all of the following:

- (A) Typical and atypical development.
- (B) Stages from conception to death.
- (C) Affective, language, cognitive, and sensorimotor areas.
- (D) Factors influencing development, including physiological, social, physical environment, and psychological.

(ii) Understanding of learning and teaching theories.

(iii) Knowledge of construction, interpretation, application, and limitation of standardized and nonstandardized assessment procedures.

- (iv) Knowledge of disabilities and their educational implications.
- (b) Curriculum and instruction as follows:
 - (i) Understanding of curriculum design and instructional strategies.
 - (ii) Understanding of, and ability to adapt to, general and special curriculum and instructional strategies to meet individual learning styles.
- (c) Special education instructional systems as follows:
 - (i) Knowledge of program delivery systems, including all levels of service.
 - (ii) Understanding of individual and group management structures.
 - (iii) Understanding of effective use of school and outside resources in creating a positive learning environment.
 - (iv) Understanding a variety of systems for reporting and evaluating the effectiveness of an individual student's program.
- (v) Understanding of the child study/team planning process.
- (vi) Ability to translate comprehensive assessment data reflecting the student's current level of functioning into an individualized education program.
- (vii) Understanding of how adaptive technology may be used to enhance the education of students with disabilities.
- (d) Communication/consultation as follows:
 - (i) Knowledge of institutional and administrative factors that facilitate or impede delivery of services.
 - (ii) Ability to effectively communicate the needs and rights of students with disabilities.
 - (iii) Ability to use interpersonal skills when working with parents, professionals, agencies, students, and other persons or groups.
 - (iv) Understanding the roles and organizational structures of general and special education and the part they play in providing total service for the student.
 - (v) Ability to serve in a consultative capacity with individuals and groups, including parents and students.
 - (vi) Ability to supervise and work with teacher aides, volunteers, and paraprofessionals.
- (e) Organizational, historical, and legal factors as follows:
 - (i) Knowledge of state and federal laws, rules, and regulations.
 - (ii) Understanding of due process and data privacy requirements.
 - (iii) Knowledge of historical and philosophical background of the education of students with disabilities and knowledge of attitudes toward students with disabilities.
 - (iv) Understanding of how to identify and access resources relevant to students with disabilities.
- (f) Abilities basic to all special education preparation as follows:
 - (i) Ability to observe, analyze, and describe the instructional strategies being applied in an educational situation.
 - (ii) Ability to function as a member of a team in designing appropriate educational programs for students with disabilities.
 - (iii) Ability to apply team-designed strategies in an educational setting.
 - (iv) Ability to design and apply instructional strategies in an educational setting, including time management techniques.
 - (v) Ability to identify and use nonschool resources relevant to students with disabilities.
 - (vi) Ability to assess results of instruction.
 - (vii) Understanding of personal adjustment, prevocational and vocational needs, and opportunity for students with disabilities.
 - (viii) Ability to understand basic behavioral management concepts and demonstrate ability to develop, implement, and incorporate appropriate behavioral management techniques.
 - (ix) Understanding of preadolescent behavior.
 - (x) Understanding of adolescent behavior.

R 340.1782 Endorsed teachers of students with disabilities; additional requirements.

Rule 82. An endorsed teacher of students with disabilities, in addition to meeting the specific requirements set forth in R 340.1786 to R 340.1788, R 340.1795 to R 340.1797, and R 340.1799 to R 340.1799c, shall comply with all of the following requirements:

- (a) Possess a valid Michigan teacher's certificate.
- (b) Possess a baccalaureate degree with a major in a specific special education area or have earned credit in course work equivalent to that required for a major.

(c) Possess an endorsement in special education that is valid in grades kindergarten through 12. Elementary or secondary endorsements in special education, earned after September 1, 1990, shall be valid in grades kindergarten through 12.

(d) Have completed not less than 8 weeks of directed student teaching in the specific area of impairment. Not less than a 180-hour practicum in the specific area of impairment is required for each additional endorsement.

(e) Be recommended for a certificate or endorsement, or both, in a specific special education area by an institution of higher education or the department signifying verification of completion of a teacher education program for the specific special education area, as approved by the state board of education. The recommendation shall verify that the teacher possesses all of the following in addition to having completed course work that includes the general skill requirements listed in R 340.1781:

(i) Personal maturity.

(ii) Emotional stability.

(iii) Ability to teach.

(iv) Other leadership capacities.

(v) Apparent potential for growth in creative teaching.

(f) On the effective date of these rules, persons approved as special education teachers under this rule, teacher consultants under R 340.1790, and teachers of preprimary-aged students under R 340.1795 shall maintain and continue to have their full approval status.

R 340.1783 Temporarily approved teachers of students with disabilities.

Rule 83. Under procedures established by the department, the department may grant temporary approval as a teacher of students with disabilities to persons who hold a valid Michigan teaching certificate. The employing superintendent shall certify that the district conducted a search for fully qualified personnel and that no certified teacher who holds full approval or endorsement for the position was available at the time of the assignment. Continuation of temporary approval shall be dependent upon the satisfactory completion of not less than 6 semester or equivalent hours of required credit toward full approval between August 31 of the current school year and September 1 of the next school year that the teacher is employed. The school district is not required to conduct a search for a fully qualified teacher in successive school years if the candidate meets these requirements. The school district is not required to remove a teacher under temporary or continuing approval when a fully approved or endorsed teacher becomes available.

R 340.1783a Early childhood special education teacher, full year permit.

Rule 83a. (1) The department may issue a permit when a properly certificated teacher, under R 340.1795, is unavailable for a regular teaching assignment for children with disabilities or developmental delay, as defined in R 340.1711.

(2) An application for a permit shall contain evidence that the candidate has a baccalaureate degree or higher, including 15 semester or equivalent hours of appropriate professional education credit.

(3) The permit is effective through June 30 of the school year for which the permit is issued.

R 340.1784 Rescinded.

R 340.1785 Rescinded.

R 340.1786 Teachers of students with cognitive impairment; special requirements.

Rule 86. (1) The teacher education program for teachers of students with cognitive impairment shall include a minimum of 30 semester or equivalent hours. The teacher education program for teachers of students with cognitive impairment shall include all of the following:

(a) A minimum of 12 semester or equivalent hours of special skills and knowledge necessary for working with students with cognitive impairment, including all of the following:

(i) The nature of cognitive impairment.

(ii) Differential curriculum development and teaching techniques.

(iii) Basic components of language development.

(iv) The basic sensory-neural system and its relationship to learning and development.

(v) Classroom management techniques.

- (b) A minimum addition of 10 semester or equivalent hours in the development of competency in the following areas:
- (i) Ability to observe and assess students, including all of the following:
 - (A) The nature of mental deficiency.
 - (B) Differential curriculum.
 - (C) Development and teaching techniques.
 - (D) Basic components of language development.
 - (E) The basic sensory-neural system and its relationship to learning and development.
 - (F) Classroom management techniques.
 - (ii) Ability to provide instruction and guidance to students with cognitive impairment in all of the following areas:
 - (A) Self-help skills.
 - (B) Prevocational and vocational skill training.
 - (C) Recreation and leisure activities.
 - (iii) Ability to understand physical, sensory, and health-related problems and their impact on learning and development, including the understanding and appropriate use of medical information.
 - (iv) Ability to guide and counsel students with cognitive impairment regarding all of the following:
 - (A) Human sexuality.
 - (B) Home, family, and community living.
 - (C) Use of local, state, and national resources.
 - (v) Ability to understand and utilize basic behavioral management concepts and techniques to meet the unique needs of students with cognitive impairment.
 - (vi) Ability to organize and manage an educational environment and schedule for a group of students with cognitive impairment, including the understanding of the functions and role of the teacher as educational team leader and the role and function of related services personnel and aides.
 - (vii) Ability to instruct and reinforce a program of communication skills and techniques, both verbal and nonverbal, as deemed appropriate for the student.
 - (viii) Ability to utilize community resources and a variety of community settings and activities in the planning and implementation of an educational program for a student with cognitive impairment.
- (2) A teacher with an endorsement in mentally impaired is qualified to teach students with cognitive impairment.

R 340.1787 Teachers of students with emotional impairment; special requirements.

Rule 87. The teacher education program for teachers of students with emotional impairment shall include 30 semester or equivalent hours in all of the following areas:

- (a) Four to 6 semester or equivalent hours of child growth and learning theory, including dynamics of human behavior, individual differences, adolescent psychology, learning theory, and psychological information, both individual and group.
- (b) Four to 6 semester or equivalent hours of environmental information, including sociological, cultural, economic information; special services and guidance programs in the school and community; organization of the school; characteristics of groups; and social organization and structure.
- (c) Six to 10 semester or equivalent hours of educational and special methods, including education of students with special problems, theory and methods of teaching social skills and students with emotional impairment, reading methods, instructional materials, and creative and other activities especially adapted to the education of students with psychological and physiological learning difficulties.
- (d) Six to 12 semester or equivalent hours of special skills and techniques in all of the following areas:
 - (i) Understanding personality deviation, including abnormal psychology.
 - (ii) Theory of maladjustment.
 - (iii) Counseling and interview techniques.
 - (iv) Interpretation of psychological data.
 - (v) Work in parent counseling.
- (e) Six to 10 semester or equivalent hours of application and experience, including supervised observation, with students with emotional impairment, a seminar in interdisciplinary approach, group dynamics, and interpretation of psychiatric techniques.
- (f) Two to 4 semester or equivalent hours in evaluation and research methods.

R 340.1788 Teachers of students with learning disabilities; special requirements.

Rule 88. The teacher education program for teachers of students with learning disabilities shall include a minimum of 30 semester or equivalent hours relating to all of the following areas:

- (a) Four semester or equivalent hours of child growth and learning theory, including dynamics of human behavior, individual differences, adolescent or child psychology, learning theory, and psychological information.
- (b) Six semester or equivalent hours of special skills and techniques in understanding learning problems, including development of language as it relates to reasoning, thinking, speaking, reading, writing, and spelling; remediation techniques for auditory and visual discrimination problems; development of perceptual skills; and understanding the dynamics of student-teacher relationships, environment, and program planning.
- (c) Six semester or equivalent hours in the development of competence in all of the following areas:
 - (i) Ability to carry out suitable procedures for assessment of the student's listening, thinking, talking, reading, spelling, writing, arithmetic, or other skill deficiencies.
 - (ii) Ability to specify, in behavioral terms, instructional objectives that are appropriate to the skill needs and entry level characteristics of the individual student.
 - (iii) Ability to select systems of instruction and learning conditions that are likely to be most effective for ameliorating the learning disabilities presented by each student.
 - (iv) Ability to set up and maintain conditions and procedures of instruction suitable to the learning goals set for the individual student.
 - (v) Ability to assess instructional outcomes in terms of the student's behavior change and use this data in formulation of an ongoing instructional plan adjusted to changed student conditions.
 - (vi) Ability to use appropriate techniques with the student to help develop the self-management skills required for constructive social participation and independent learning.
 - (vii) Ability to function as a member of interdisciplinary teams and maintain effective liaison with parents and others working with the student.

R 340.1790 Teacher consultants for students with disabilities.

Rule 90. In addition to meeting all of the requirements of R 340.1782, a teacher consultant shall meet all of the following requirements for full approval by the state board of education or its designee:

- (a) Possess a master's degree in education or a field of study related to special education.
- (b) Recommendation to the department by the employing superintendent, or his or her designee, for approval as a teacher consultant.
- (c) Show evidence of a minimum of 3 years of satisfactory teaching experience, not less than 2 years of which shall be teaching in a special education program.

R 340.1791 Rescinded.

R 340.1792 Licensure, certification, or approval of professional personnel.

Rule 92. Professional personnel employed or contracted with to provide related services to students with disabilities shall be licensed, certificated, or registered by a governmental agency or a legally recognized professional board or association as an indication of adequate preparation and training, or be recommended by a college or university offering an appropriate training program as approved by the state board of education.

R 340.1793 Paraprofessional personnel; qualifications.

Rule 93. Paraprofessional personnel employed in special education programs shall be qualified under requirements established by their respective intermediate school district plan. Paraprofessional personnel include, but are not limited to, teacher aides, health care aides, bilingual aides, instructional aides, and program assistants in programs for students with cognitive impairment or severe multiple impairments.

R 340.1793a Interpreters for the deaf.

Rule 93a. An interpreter for the deaf shall be any of the following:

- (a) A certified interpreter as defined in 1982 PA 204, MCL 393.501 et seq., and known as the deaf persons' interpreters act.

- (b) A qualified interpreter as defined in 1982 PA 204, MCL 393.501 et seq., and known as the deaf persons' interpreters act, who has been approved at quality assurance level II or III.
- (c) A high school graduate, or equivalent, with advanced training in a community college, agency, or degree-granting institution. The training programs must be approved by the department.

R 340.1794 Rescinded.

R 340.1795 Early childhood special education teachers; special requirements.

Rule 95. (1) An early childhood special education teacher for young children with disabilities or developmental delay, in addition to meeting the specific requirements set forth in R 340.1782, shall possess either of the following:

- (a) An early childhood endorsement on the teaching certificate.
 - (b) A major or minor in early childhood education or child growth and development as recommended by an approved university.
- (2) Only candidates meeting the requirements under subrule (1) (b) of this rule are required to be approved by the department.
- (3) As of the effective date of these rules, a teacher who has received full approval as a teacher of preprimary age impaired students shall be deemed to have full approval as an early childhood special education teacher, if the teacher possesses a valid michigan teaching certificate.

R 340.1796 Teachers of students with speech and language impairment; special requirements.

Rule 96. (1) A teacher of students with speech and language impairment shall meet all of the following requirements:

- (a) An earned master's degree in speech and language pathology.
 - (b) A minimum of 60 semester or equivalent hours of academic credit in normal aspects of human communication, development thereof, and clinical techniques for evaluation and management of speech and language disorders distributed as follows:
 - (i) A minimum of 12 semester or equivalent hours in courses pertaining to normal development of speech, language, and hearing.
 - (ii) A minimum of 30 semester or equivalent hours in courses on communication disorders and evaluation and management of speech, language, and hearing disorders. Of these 30 semester or equivalent hours, 24 hours shall be in speech and language pathology and 6 shall be in audiology. Not more than 6 of the 30 semester or equivalent hours may be earned for clinical practicum.
 - (iii) A minimum of 30 semester or equivalent hours that are acceptable on a graduate level, of which 21 hours shall be within the group specified under paragraph (ii) of this subdivision.
 - (c) A minimum of 300 clock hours of supervised practicum experience with persons who present a variety of communication disorders, to be acquired in conjunction with academic training, 150 hours of which shall be obtained at the graduate level.
- (2) The state board of education or its designee shall approve as a teacher of students with speech and language impairment a person who is employed or approved as a teacher of students with speech and language impairment before the effective date of these rules.
- (3) A teacher of students with speech and language impairment assigned to programs for students with severe language impairment, as defined in R 340.1756, shall be certified at the elementary level.

R 340.1797 Teachers of physical education for students with disabilities; special requirements.

Rule 97. A teacher of physical education for students with disabilities shall possess a valid Michigan teaching certificate with an endorsement in physical education, special education, or both, and shall complete all of the following:

- (a) A minimum of 9 semester or equivalent hours in special education courses leading to the acquisition of all of the following competencies:
 - (i) Knowledge of the causes of various disabilities and the effects of those conditions on learning.
 - (ii) Ability to assess physical education skills of individuals exhibiting various disabilities.
 - (iii) Knowledge of special education teaching models that employ assessment-prescriptive techniques.

- (iv) Ability to use community and staff resources within the special education environment.
- (b) A minimum of 9 semester or equivalent hours in special physical education courses leading to the acquisition of all of the following competencies:
 - (i) Ability to write in behavioral terms and assess instructional objectives for physical education for students with disabilities.
 - (ii) Knowledge of motor characteristics, behaviors, and development sequences associated with various disabilities in relationship to normal motor development.
 - (iii) Knowledge of anatomy, kinesiology, and neurology that pertains to normal and abnormal motor control and sensory motor integration for teaching physical education to students with severe disabilities and students who are nonambulatory.
 - (iv) Ability to adapt teaching methods, materials, and techniques for physical and motor fitness, gymnasium use, fundamental motor skills, aquatic skills, dance, individual and group games, and lifetime sports skills for the needs of students with disabilities.
 - (v) Ability to analyze, adapt, and implement physical education curriculum in providing appropriate programs for a variety of disabilities.
- (c) A directed field experience in teaching physical education in a school setting with students with disabilities.
- (d) As of the effective date of these rules, a teacher who has received full approval as a teacher of physical education for handicapped individuals shall be deemed to have full approval as a teacher of physical education for students with disabilities, if the teacher possesses a valid Michigan teaching certificate.

R 340.1798 Teachers of physical education for students with disabilities; role.

Rule 98. A special education-reimbursed teacher of physical education shall provide instruction in physical education to students with disabilities whose disabilities preclude integration into general physical education classes. Teachers of physical education for students with disabilities may provide supportive service to general physical education teachers who have students with disabilities integrated into their programs and to teachers of students with disabilities who are delivering physical education services.

R 340.1799 Teachers of students with autism; special requirements.

Rule 99. The teacher education program for teachers of students with autism shall include a minimum of 30 semester or equivalent hours relating to all of the following areas:

- (a) Syndrome of autism, including its etiology.
- (b) Child development, with special emphasis on language, communication, and cognitive development.
- (c) Behavioral intervention techniques.
- (d) Systematic curriculum development, with special emphasis on personal adjustment and prevocational education.
- (e) Home/school interactions.
- (f) Family and community support services.

R 340.1799a Teachers of students with physical impairment and students with other health impairment; special requirements.

Rule 99a. The teacher education program for teachers of students with physical impairment and students with other health impairment shall include a minimum of 30 semester or equivalent hours. The teacher education program for teachers of students with physical impairment and students with other health impairment shall include both of the following:

- (a) A minimum of 12 semester or equivalent hours of special skills and techniques for working with students with physical impairment and students with other health impairment, including all of the following:
 - (i) Medical aspects of temporary and permanent physical disabilities of a wide variety.
 - (ii) Impact of neurological impairments and cognitive impairments on learning.
 - (iii) Equipment and techniques of physical management of students with physical impairment and students with other health impairment.
 - (iv) Methods and materials for training, observation, and assessment of students with physical impairment and students with other health impairment, including techniques for nonvocal communication.
- (b) A minimum of 10 semester or equivalent hours in the development of competence in all of the following areas:

- (i) Ability to work as a member of a multidisciplinary evaluation team which includes medical and paramedical personnel and to supervise paraprofessional personnel.
- (ii) Ability to develop and implement an instructional plan for students, including those confined to home or a hospital.
- (iii) Ability to explain the condition of the student and the condition's impact on learning and to serve as a resource person for students with physical impairment and students with other health impairment within general and special education classes.
- (iv) Ability to counsel students regarding all of the following:
 - (A) Human sexuality.
 - (B) Home, family, and community living.
 - (C) Career selection.
 - (D) The use of local, state, and national resources.
- (v) Ability to develop, implement, and reinforce special instruction in all of the following life skill areas:
 - (A) Self-help skills.
 - (B) Recreation and leisure time activities.
 - (C) Community transportation and mobility.
 - (D) Use of personal aids.
- (vi) Ability to understand the role and function of related service personnel and to work in conjunction with them in the development and implementation of special instructional programs or techniques necessary for students with physical impairment and students with other health impairment.
- (vii) Ability to observe and assess students with physical impairment and students with other health impairment through the use of formal and informal tools and techniques.
- (viii) Ability to work intensively and extensively with parents of students, both as a home instructor for infants and their parents and as a liaison between the educational agencies and the home.

R 340.1799b Teachers of students with visual impairment; special requirements.

Rule 99b. The teacher education program for teachers of students with visual impairment shall include a minimum of 30 semester or equivalent hours relating to both of the following areas:

- (a) Twelve semester or equivalent hours of special skills and techniques for working with students with visual impairment, including all of the following:
 - (i) Beginning and advanced braille.
 - (ii) Methods of teaching students with visual impairment.
 - (iii) Special equipment and its use for students with visual impairment.
- (b) Ten semester or equivalent hours in the development of competence in all of the following areas:
 - (i) Ability to work as a member of a multidisciplinary evaluation team which includes medical and technical personnel.
 - (ii) Ability to develop and implement a curriculum and an instructional program for a range of students with visual impairment.
 - (iii) Ability to implement and support a program of communication skills and techniques and to implement and support a program of orientation and mobility skills as deemed appropriate for the student.
 - (iv) Ability to explain the structure and function of the eye and the impact of vision impairment on learning and to serve as a resource person and consultant for students with visual impairment in general and special education classes.
 - (v) Ability to instruct students with visual impairment regarding all of the following:
 - (A) Human sexuality.
 - (B) Home, family, and community living.
 - (C) Career selection.
 - (D) The use of local, state, and national resources.
 - (vi) Ability to develop and implement special instruction in all of the following life skill areas:
 - (A) Self-help skills.
 - (B) Recreation and leisure time activities.
 - (C) Community transportation and mobility.
 - (D) Use of personal aids.

(vii) Ability to work intensively and extensively with parents of students with visual impairment, both as a home instructor for parents and as a liaison between the educational agencies and the home.

R 340.1799c Teachers of students with hearing impairment; special requirements.

Rule 99c. (1) The teacher education program for teachers of students with hearing impairment shall include a minimum of 30 semester or equivalent hours. The teacher education program for teachers of students with hearing impairment shall meet the council on education of the deaf standards or shall, at a minimum, include 30 semester or equivalent hours relating to all of the following areas:

- (a) Language and linguistics.
- (b) Audiology and speech science.
- (c) Psychology.
- (d) Education.
- (2) Students shall complete a program that is designed to develop all of the following competencies:
 - (a) Knowledge of linguistics, theories of language development, and the various special methods used to assess and develop language competence.
 - (b) Ability to utilize an individual diagnostic profile of the student's expressive and receptive language skills.
 - (c) Ability to integrate language development with the teaching of English, mathematics, social studies, science, and other academics.
 - (d) Ability to use various and combined modes, manual and oral, in both expressive and receptive communication with students with hearing impairment.
 - (e) Knowledge of the anatomy, physiology, and pathology of the organs of speech and hearing.
 - (f) Knowledge of audiological assessment information and its application to the individualized education program of a student with hearing impairment.
 - (g) Knowledge of personal and group amplification systems, including their basic maintenance.
 - (h) Ability to incorporate and teach appropriate procedure to maximize the use of speech, speech reading, and auditory skills.
 - (i) Ability to use systematic observational techniques for establishing baseline data, evaluating problem areas, and for documenting and assessing progress.
 - (j) Knowledge of the psychological and sociological impact of severe/profound hearing impairment, including information about the community/culture of adult persons who are deaf.
 - (k) Ability to identify and use local, state, and national resources in support of students with hearing impairment, their parents, and their educational program.
 - (l) Ability to orient parents, general education school staff, and administrators to the unique needs and learning styles of students with hearing impairment.
 - (m) Ability to assess communication, academic, and social/emotional development of students with hearing impairment.
 - (n) Ability to relate diagnostic information in functional terms to parents and support service specialists.
 - (o) Ability to design and implement an educational program appropriate to the individual student's communication, academic, prevocational, and social needs.
 - (p) Ability to modify and adapt procedures for teaching reading, math, and other academic subjects to students with hearing impairment.

(3) Before assignment to directed student teaching, each student shall spend a minimum of 60 clock hours in programs utilizing various communication modes, both manual and oral.

(4) The council on the education of the deaf standards, as cited in subrule (1) of this rule, are adopted by reference in these rules and are available from the Committee on Professional Preparation and Certification, Gallaudet University, 800 Florida Avenue, N.E., Washington, D.C., 20002-3695, and also from the Michigan Department of Education, Office of Special Education and Early Intervention Services, P.O. Box 30008, Lansing, MI, 48909, at no cost for reproduction.

R 340.1799d Rescinded.

R 340.1799e "Psychologist" defined.

Rule 99e. "Psychologist" means an approved Michigan school psychologist who is certified by the department or who is a fully licensed psychologist.

R 340.1799f "School social worker" defined.

Rule 1799f. "School social worker" means a school social worker who is approved by the department.

PART 6. FINANCING

R 340.1801 Source of funds.

Rule 101. Funds for operating and housing special education programs and services operated by intermediate school districts, constituent local school districts, and public school academies shall be derived from federal appropriations; general and categorical appropriations in 1979 PA 94, MCL 388.1601 et seq., and known as the state school aid act of 1979; local general and specific property taxes, gifts, grants, and bequests; or payments from a school district sending students with disabilities to another school district.

R 340.1802 Use of funds.

Rule 102. Funds available to intermediate school districts, constituent local school districts, and public school academies as provided in R 340.1801 may be used for any of the following:

- (a) The employment of teachers and other personnel.
- (b) Transportation of students with disabilities.
- (c) The purchase and maintenance of equipment and supplies.
- (d) The lease, purchase, construction, renovation, or acquisition of vehicles, sites, buildings or portions thereof, and equipment as deemed necessary for staff, programs, and services operated under the intermediate school district plans as approved by the state board of education and other provisions of law.

R 340.1803 Building or purchasing facilities.

Rule 103. When facilities are purchased, constructed, or renovated with funds acquired through 1976 PA 451, MCL 380.1722 to 380.1729 for constituent local school districts, funds shall be used for contractual purposes which provide that the constituent local school district or public school academy shall make that facility available for special education programs and services for a period of 25 years. Disbursement of the funds shall be made by the intermediate school district board of education under the intermediate school district plan.

R 340.1805 Rescinded.

R 340.1806 Rescinded.

R 340.1808 Reporting costs.

Rule 108. An intermediate school district, a local school district, or a public school academy operating a program under these rules shall submit to the superintendent of public instruction, at the close of the fiscal year, an itemized report of the actual cost of operating the program, including the cost of transportation, on forms provided for that purpose. Reported actual costs for purposes of reimbursement shall include only those that are reasonable and appropriate as determined by the superintendent of public instruction.

R 340.1809 State aid to operating school districts.

Rule 109. The intermediate school district and its constituent local school districts and public school academies shall be entitled to receive reimbursement for special education programs and services that are in compliance with these rules and in accordance with the intermediate school district plan as approved by the state board of education and as prescribed in 1979 PA 94, as amended, MCL 388.1601 et seq., and known as the state school aid act of 1979.

R 340.1810 Reimbursement of special education transportation.

Rule 110. Specialized transportation or additional transportation, or both, as required in the individualized education program for a handicapped person to receive a free appropriate public education in the least restrictive educational environment, shall be reimbursable as authorized by 1979 PA 94, as amended, MCL 388.1601 et seq., and known as the state school aid act of 1979.

R 340.1811 Distribution of intermediate millage to the intermediate school district, its constituent local school districts, and public school academies.

Rule 111. (1) Only those programs and related services provided under a state board of education-approved intermediate school district plan and approved for reimbursement by the department shall be eligible for reimbursement from funds generated by adoption of millage under 1976 PA 451, MCL 380.1723 and 380.1724.

(2) If intermediate school district special education tax funds are insufficient to reimburse constituent claims in full, then a like percentage of the claim shall be paid for support of each program and service to each constituent district. Claims for operation of special education programs and services available to all constituent local school districts or public school academies may be reimbursed in full before any prorated payment which may become necessary for other programs and services.

(3) Current intermediate school district special education tax funds need not be used to offset operational claim deficits from prior years.

(4) Amounts may be retained by the intermediate school district for required cash flow purposes not to exceed 1 year's operational expenses for the purpose of maintaining special education programs and services operated by the intermediate school district.

(5) Intermediate school districts shall submit the desired method for the distribution of funds to the intermediate school district, its constituent local school districts, and public school academies and the reasons therefor for approval as part of the intermediate school district plan required under section 1711 of 1976 PA 451, MCL 380.1711.

R 340.1812 Intermediate school district's use of special education millage.

Rule 112. (1) Costs for the operation of special education programs and services by the intermediate school district, available to all constituent local school districts and public school academies, may be reimbursed in full before the reimbursement of local districts from funds generated by adoption of millage under sections 1723 and 1724 of 1976 PA 451, MCL 380.1723 and 380.1724.

(2) If intermediate school district special education personnel offer direct services to students with disabilities in some but not all constituent local school districts or public school academies, and if prorated payment of constituent local school district or public school academy operational claims is necessary, then the per capita deficit for each student served shall be paid by the school district of residence or a direct charge shall be made to the constituent local school district based on the amount of deficit and the proportion of time the constituent local school district or public school academy received the service from the intermediate school district.

PART 7. DEVELOPMENT AND SUBMISSION OF INTERMEDIATE SCHOOL DISTRICTS' PLANS AND MONITORING

R 340.1831 Plan and modification submission.

Rule 131. (1) Each intermediate school district board shall submit an intermediate school district plan for special education to the superintendent of public instruction to become effective when approved by the superintendent of public instruction.

(2) Any intermediate school district plan or subsequent modification approved by the superintendent of public instruction shall be distributed by the intermediate school district to each constituent local school district superintendent, each chief executive officer of a public school academy, and the chairperson of the parent advisory committee within 7 calendar days of the intermediate school district's receipt of approval by the superintendent of public instruction.

(3) Except as provided in subrule (4) of this rule, a plan submitted by an intermediate school district and approved by the superintendent of public instruction shall remain in effect until the intermediate school district submits modifications that the intermediate school district deems necessary to the department and the modifications are approved by the superintendent of public instruction.

(4) The department may require an intermediate school district to modify its plan if, after the effective date of the individuals with disabilities education act amendments of 1997, 20 U.S.C. §1400 et seq., the provisions of that act, its regulations, 34 C.F.R. 300.1, et seq., 1976 PA 451, MCL 380.1 et seq., or these rules are amended,

there is a new interpretation of any of these laws or regulations by a public agency or court, or the department finds noncompliance.

(5) If the department requires a modification to the intermediate school district plan under subrule (3) of this rule and an intermediate school district's process as set forth in this part does not result in agreement among the intermediate school district, its constituent local school districts, public school academies, and the parent advisory committee regarding the required modification, then the intermediate school district shall submit the required modification. A constituent local school district, public school academy, or the parent advisory committee may file an objection under R 340.1836.

R 340.1832 Content areas.

Rule 132. (1) An intermediate school district plan for special education, or any modification thereof, shall be an operational plan that sets forth the special education programs and related services to be delivered. The plan shall comply with 1976 PA 451, MCL 380.1 et seq. and these rules. The plan shall also comply with the following format and include, at a minimum, all of the following:

(a) A description of the procedures used by the intermediate school district to advise and inform students with disabilities, their parents, and other members of the community of the special education opportunities required under the law; the obligations of the local school districts, public school academies, and intermediate school district; and the title, address, and telephone number of representatives of those agencies who can provide information about the special education opportunities.

(b) A description of activities and outreach methods which are used to ensure that all citizens are aware of the availability of special education programs and services.

(c) A description of the type of diagnostic and related services that are available, either directly or as a purchased service, within the intermediate school district or its constituent local school districts or public school academies.

(d) A description of the special education programs designed to meet the educational needs of students with disabilities.

(e) The intermediate school district plan shall either describe special education programs and services under part 3 of these rules or shall propose alternative special education programs and services.

(f) The plan shall be approved by the superintendent of public instruction before implementation under R 340.1831(1). The plan is developed and approved under R 340.1833, and R 340.1835 to R 340.1837.

(g) The identity of the full- or part-time constituent local school district or public school academy administrator who, by position, is responsible for the implementation of special education programs and services.

(h) A description of the qualifications of paraprofessional personnel.

(i) A description of the transportation necessary to provide the special education programs and services described in subdivisions (c), (d), and (e) of this subrule.

(j) A description of the method of distribution of funds under R 340.1811(5).

(k) A description of how the intermediate school district will appoint the parent advisory committee members under R 340.1838(1) and (2).

(l) A description of the role and responsibilities of the parent advisory committee, including how it shall participate in the cooperative development of the intermediate school district plan, formulate objections thereto, if any, and related matters, such as the role and responsibility of the parent advisory committee in evaluating special education programs and services within the intermediate school district.

(m) A description of the role and relationship of administrative and other school personnel, as well as representatives of other agencies, in assisting the parent advisory committee in its responsibilities.

(n) A description of the fiscal and staff resources that shall be secured or allocated to the parent advisory committee by the intermediate school district to make it efficient and effective in operation.

R 340.1833 Cooperative development and review.

Rule 133. (1) Intermediate school district plans, or any modification thereof, shall be developed in cooperation with constituent local school districts, public school academies, and the parent advisory committee.

R 340.1834 Rescinded.

R 340.1835 Plan signatures.

Rule 135. Each intermediate school district plan, or modification thereof, shall be signed by all of the following:

- (a) The intermediate school district superintendent, signifying approval by the intermediate school district board.
- (b) The superintendent of each constituent local school district, the chief executive officer of each public school academy, and the chairperson of the parent advisory committee, signifying their involvement in the development of the intermediate school district plan.

R 340.1836 Objections to plan; procedures.

Rule 136. (1) Any constituent local school district, public school academy, or the parent advisory committee may file objections with the intermediate school district, in whole or in part, to an approved intermediate school district plan or a plan modification that has been submitted to the superintendent of public instruction for approval. Copies of an objection to the plan shall, within 7 calendar days, be directed to the department by the intermediate school district board of education and to all constituent local school districts, public school academies, and the parent advisory committee by certified mail, return receipt requested. Objections filed shall specify the portions of the intermediate school district plan objected to, contain a specific statement of the reasons for objection, and shall propose alternative provisions.

(2) A hearing officer shall be designated by the department and shall promptly give reasonable notice of the hearing. The hearing shall begin not later than 30 calendar days from the date the request was filed with the department. The hearing shall be conducted according to procedures established by the department. After the appointment of the hearing officer, the objection may be withdrawn upon written stipulation of the intermediate school district and the objecting party.

(3) The intermediate school district, a constituent local school district, a public school academy, or the parent advisory committee may file, with the department, a response to the objection before the hearing.

(4) Within 30 calendar days after the closing of the hearing, the hearing officer shall report findings of fact and conclusions of law and shall recommend to the superintendent of public instruction whether the intermediate school district plan or modification to the plan should be approved as submitted, approved with such other modifications as deemed appropriate by the hearing officer, or the objections granted as submitted. The findings and recommendations shall be immediately mailed by the department to all parties to the intermediate school district plan. Any party may file written exceptions to the findings and recommendations with the superintendent of public instruction within 20 calendar days of receipt of the findings and recommendations and direct copies of the exceptions to all other parties and the department. The findings and recommendations of the hearing officer, including any exceptions, shall be submitted to the superintendent of public instruction with the intermediate school district plan. The superintendent of public instruction shall render a final decision within 30 calendar days from the date the exceptions were to be filed.

R 340.1837 Approval of intermediate school district plans.

Rule 137. (1) Intermediate school district plans, or modification thereof, or any changes to the intermediate school district plan based on an objection to the plan, shall be approved by the superintendent of public instruction under R 340.1836. The intermediate school district plans or modifications shall be in compliance with all of the following:

- (a) The provisions of sections 1701 to 1766 of 1976 PA 451, MCL 380.1701 to 380.1766.
- (b) Michigan rules promulgated to implement statutory provisions for special education programs and services.
- (c) The individuals with disabilities education act, 20 U.S.C. §1400 et seq., and its implementing regulations, 34 C.F.R. §300.1 et seq., adopted by reference in R 340.1701.

(2) Intermediate school district boards of education, constituent local school boards, public school academies, and the parent advisory committee shall be advised by the superintendent of public instruction as to whether the intermediate school district plan was approved.

R 340.1838 Parent advisory committee.

Rule 138. (1) A parent advisory committee shall be appointed by each intermediate school district board.

- (a) The parent advisory committee and its officers shall consist only of parents of students with disabilities with at least 1 parent from each constituent local school district and public school academy unless no parent agrees to serve on the parent advisory committee to represent the constituent local school district or public school academy.
- (b) Each constituent local school district board of education and each public school academy board of directors shall nominate at least 1 parent.
- (c) The intermediate school district board of education may nominate additional members not to exceed 33 1/3% of the total parent advisory committee membership.
- (2) The intermediate school district board of education shall make every attempt to assure that all types of impairments and all identifiable organizations of parents of students with disabilities within the intermediate school district are represented on the parent advisory committee.
- (3) The intermediate school district board of education may recommend operational procedures for parent advisory committee review and adoption.
- (4) The intermediate school district shall secure or allocate fiscal and staff resources to the parent advisory committee to make it efficient and effective in operation.
- (5) The parent advisory committee is responsible for determining and documenting, in writing, the organizational structure of the committee, including all of the following:
 - (a) Officers and their responsibilities.
 - (b) Meeting times.
 - (c) Notice of meeting times.
 - (d) Voting procedures.
 - (e) Terms of office.
 - (f) Related matters.
- (6) The parent advisory committee shall participate in the development of the intermediate school district's plan or any modification of the plan for the delivery of special education programs and services as required by R 340.1833.
- (7) The parent advisory committee may provide advisory input on any matters that the committee deems appropriate to the improvement of special education services within the intermediate school district.

R 340.1839 Monitoring and program evaluation.

Rule 139. (1) The department shall establish, with approval of the state board of education, monitoring procedures, criteria, and evaluation activities to ensure that minimum standards are being achieved by all public agencies.

(2) Each intermediate school district shall implement monitoring procedures and evaluation methods developed by the department to ensure that the standards and criteria established are being achieved by the intermediate school district, their constituent local school districts, and their public school academies.

PART 8. COMPLAINTS

R 340.1851 Intermediate school district's responsibility for investigation of complaints; report.

Rule 151. (1) An intermediate school district, upon receipt of a complaint, shall investigate the complaint under these rules and the procedures approved by the state board of education. The investigation shall include direct communication with the complainant or the complainant's authorized representative. The complainant shall be informed of the specific procedures for conducting the investigation, filing reports, and appealing the conclusions contained in the investigation report. The investigation shall be completed and a report shall be filed by the intermediate school district within 21 calendar days after the date of receipt of the complaint. The report shall be filed with the complainant, the local school district or public school academy, if applicable, and the department. The report shall contain information as specified in procedures approved by the state board of education and shall contain notification of the complainant's right to appeal the conclusions of the investigation and to have the department review the intermediate school district's decision on the complaint.

(2) The intermediate school district may contract with an independent agent to conduct the investigation or shall appoint a person who is a member of the special education staff to be responsible for investigating complaints under this part. The person shall not have administrative authority over programs or services against which a

complaint may be filed. Copies of this part and the procedures approved by the state board of education shall be made available by the intermediate school district for distribution to its employees, the employees of constituent local school districts, the employees of constituent public school academies, the public, and other agencies operating special education programs and services.

(3) An intermediate school district receiving a complaint under its jurisdiction shall, during the pendency of any proceeding stipulated in this rule, require any agency against which the complaint was lodged to maintain the educational status, program placement, or service of an involved student as it was before the complaint if, in its judgment, not doing so may constitute a violation of the student's due process protection or if so directed by the department.

R 340.1852 Department responsibilities for processing complaints and conducting state investigations.

Rule 152. (1) The department may, for good cause, investigate a signed, written complaint under the procedures approved by the state board of education, regardless of the status of the investigation under R 340.1851.

(2) Upon receipt of a complainant's appeal for review of the intermediate school district's decision on the complaint, the department, under the procedures approved by the state board of education, shall do all of the following:

- (a) Carry out an independent on-site investigation if the department determines that an investigation is necessary.
- (b) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.
- (c) Review all relevant information and make an independent determination as to whether the educational agency is violating any of the provisions of law specified in the definition of "complaint" in R 340.1701a(c).

(3) The department shall issue a written report to the complainant and to the educational agency against which the complaint was filed that addresses each allegation in the complaint and contains all of the following information:

- (a) Findings of fact and conclusions.
- (b) The reasons for the department's final decision.
- (c) Procedures for effective implementation of the department's final decision, if needed, including technical assistance activities, negotiations, and corrective actions to achieve compliance.
- (4) The intermediate school district is responsible for assisting the agency in violation, for monitoring progress of the corrective action, and for informing the department when the corrections have been completed.
- (5) Proof of compliance shall be submitted by the educational agency that was in violation within the time line specified in the directive for correction.
- (6) Upon failure of an educational agency to correct known violations of law, upon failure of the educational agency in violation to cooperate with the department or the intermediate school district during the conduct of its investigation, or upon known falsification of fact or continued repetition of similar violations, the state board of education shall do 1 or more of the following:
 - (a) If the educational agency in violation is a local school district or a public school academy, then the state board of education shall direct the intermediate school district board to provide complying programs and services as stipulated in 1976 PA 451, MCL 380.1702.
 - (b) If the agency in violation is an intermediate school district, the state board of education may withdraw the authority of the intermediate district to operate a program in noncompliance and simultaneously require the local district of residence to place the affected student or students in an appropriate program.
 - (c) Withhold federal funds under section 1413(d)(1) of the individuals with disabilities education act of 1997, 20 U.S.C. §1413(d)(1).
 - (d) Apply other penalties, as stipulated in 1976 PA 451, MCL 380.1 et seq.
 - (e) Withhold state funds under 1979 PA 94, MCL 388.1601 et seq., or any other governing statute.
 - (f) Withhold, withdraw, or suspend such endorsements, approvals, credentials, grants, or authorizations pertaining to special education personnel or projects that the state board of education or its designee had authority to grant as authorized by, and in accordance with, the procedures required by law.

- (g) Seek enforcement in a court of appropriate jurisdiction of the corrective action determined appropriate.
- (7) The state board of education or its designee, during the pendency of any proceeding under this part, shall require any educational agency against which the complaint was lodged to maintain the educational status, program placement, or service of an involved student as it was before the complaint if, in the judgment of the state board of education or its designee, not doing so constitutes a violation of the student's due process protections.

R 340.1853 General responsibilities of all agencies for processing complaints and investigations.

Rule 153. (1) The term "complaint" is defined in R 340.1701a(c). All public educational agencies shall receive allegations of violations of state or federal regulations pertaining to special education. If the allegation is made orally, the recipient agency may take formal or informal action as necessary to resolve the situation in compliance with applicable provisions of law, but, at a minimum, shall immediately do all of the following:

- (a) Inform the person making the allegation that he or she has a right to file a written formal complaint with the appropriate intermediate school district or with the department and to have that complaint investigated in accord with this part and procedures approved by the state board of education.
- (b) Inform the person making the allegation that if he or she wishes to delay filing a formal complaint so that an informal resolution may be attempted, he or she retains the right to file a formal complaint if the informal attempts to resolve the concern in a timely manner are unsuccessful.
- (c) Provide the person making the allegation with a copy of this part and the state board of education's procedures pertaining to complaints and offer to assist the person to file the complaint.
- (2) A person claiming to be acting on behalf of a complainant may be required to provide evidence of that authority.
- (3) Complaints are initially investigated by the intermediate school district. At its discretion, the department, for good cause shown, may initiate a complaint or may conduct the initial investigation of the complaint instead of requiring the intermediate school district to investigate the complaint initially.
- (4) A time limit of 60 calendar days after a complaint is filed is allotted for the intermediate school district to complete the investigation responsibilities under R 340.1851 and for the department to complete its review as specified in R 340.1852.
- (5) An extension of time specified in this part may be granted by the department only if exceptional circumstances exist with respect to a particular complaint. A denial of an extension request is final.

PART 9. RECORDS AND CONFIDENTIALITY

R 340.1861 Records; maintenance; content; transfer of records; release of records.

Rule 161. (1) A registry shall be maintained by intermediate school districts under procedures established by the department and under the provisions of 1976 PA 451, MCL 380.1711, for all students with disabilities, as defined by R 340.1702, including students placed in state and privately operated facilities. The registry shall be an operational, active database system with the capacity to provide up-to-date student counts and other data requirements to the department on a timely basis. Each constituent local school district, public school academy, or state agency shall provide the intermediate school district with a complete updated data record for each student with a disability. The updated record shall contain full-time equivalency data for each student enrolled in a special education program by the student count dates required in the state school aid act, 1979 PA 94, MCL 388.1601 et seq., and shall contain each student's data enrolled in programs and services by the student count date required by the regulations implementing the individuals with disabilities education act, 34 C.F.R. §300.1 et seq.

- (2) If the residency of a student with a disability changes from one intermediate school district to another, then the intermediate school district of previous residence shall transfer the records maintained under this rule to the new intermediate school district upon written request of the intermediate school district of residence and the parent of the student with a disability for whom the record was maintained.

R 340.1862 Rescinded.

R 340.1863 Rescinded.

R 340.1864 Rescinded.

R 340.1865 Rescinded.

R 340.1866 Rescinded.

R 340.1867 Rescinded.

R 340.1868 Rescinded.

R 340.1869 Rescinded

R 340.1870 Rescinded

R 340.1871 Rescinded.

R 340.1872 Rescinded.

R 340.1873 Rescinded.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the office of regulatory reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the office of regulatory reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-002

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

BOILERS

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of consumer and industry services by sections 4 and 4a of 1965 PA 290, section 385 of 1965 PA 380, and Executive Reorganization Order No. 1996-2, being §§408.754, 408.754a, 16.485, and 445.2001)

R 408.4012, R 408.4024, R 408.4025, R 408.4027, R 408.4031, R 408.4032, R 408.4033, R 408.4038, R 408.4057, R 408.4059, R 408.4073, R 408.4087, R 408.4091, R 408.4099, R 408.4101, R 408.4103, R 408.4107, R 408.4109, R 408.4111, R 408.4119, R 408.4121, R 408.4125, R 408.4129, R 408.4133, R 408.4149, R 408.4153, R 408.4163, R 408.4175, R 408.4177, R 408.4179, R 408.4182, R 408.4187, R 408.4189, R 408.4193, R 408.4197, R 408.4301, R 408.4302, R 408.4304, R 408.4501, R 408.4507, R 408.4510, R 408.4601, R 408.4637, R 408.4711, R 408.4739, and R 408.4750 of the Michigan Administrative Code are amended, R 408.4058, R 408.4122, and R 408.4124 are added to the Code, and R 408.4052, R 408.4077, R 408.4093, R 408.4115, R 408.4116, R 408.4173, and figure 11 of the Code are rescinded as follows:

PART 1. GENERAL PROVISIONS

R 408.4012 Definitions.

Rule 12. (1) "Accident" means a sudden and accidental breakdown of a boiler or a part of a boiler that results in physical damage to the boiler which necessitates the repair or replacement of the boiler or a part of the boiler. "Accident" does not mean a breakdown due to any of the following unless a unique or unusual explosion hazard exists as a result of the breakdown:

- (a) Normal erosion.
- (b) Corrosion.
- (c) Wastage of metal that requires restoration.
- (d) Leaking tubes.
- (e) Weakened metal, such as water legs or handhole areas.

(2) "Act" means ~~//Act No. 290 of the Public Acts of 1965, as amended, being §/1965 PA 290, MCL 408.751 et seq.// of the Michigan Compiled Laws.//~~

(3) "Aftercooler" means a device used for lowering the temperature of a boiler blowoff discharge before it enters the building drain.

“Alteration” means any change in the item described on the original manufacturer’s data report that affects the pressure-containing capability of the boiler or its piping. A nonphysical change such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler or its piping is an alteration.

(5) “ASME,” “ASME boiler and pressure vessel code,” “ASME code,” or “code” means the boiler and pressure vessel code of the American Society of Mechanical Engineers, with addenda, as prescribed and approved by the council of the society.

(6) “Authorized inspector” means an individual who is designated as an authorized inspector by an authorized inspection agency, who holds a valid certificate of competency and national board commission with an “A” or “B” endorsement, and who is employed by the authorized inspection agency that assumes responsibility for the individual’s actions.

(7) “Blowoff valve” means a valve connected to the boiler for the purpose of reducing the concentration OF SOLIDS IN THE BOILER OR FOR DRAINING PURPOSES.

(8) “Board of boiler rules” or “board” means the board created by the act.

(9) “Boiler assembler” means a corporation, company, partnership, or individual who assembles a boiler that has been delivered in pieces. For ASME code section I power boiler assemblies, a boiler assembler shall possess the appropriate code symbol stamps.

(10) “Boiler blowoff piping” means the piping, fittings, and valves from the boiler to the blowoff tank, blowoff separator, or other safe point of discharge through which the water in the boiler may be blown out under pressure, except for drains such as those used in water columns, gauge glasses, or piping to feed water regulators and similar devices.

(11) “Boiler blowoff tank/separator” means an unfired pressure vessel into which water is discharged above atmospheric pressure from a boiler blowoff line.

(12) “Boiler installation” means the installation of a boiler, including all connected piping, valves, fittings, flanges, firing equipment, controls, appurtenances, and auxiliaries. The term includes the field assembly of boilers.

(13) “CSD-1” MEANS THE ASME CODE FOR CONTROLS AND SAFETY DEVICES FOR AUTOMATICALLY FIRED BOILERS.

~~/(13)/~~(14) “Certificate of competency” means a certificate issued to a person who has passed an examination for inspectors prescribed by the board of boiler rules.

~~/(14)/~~(15) “Chief inspector” means the chief boiler inspector appointed under the act.

~~/(15)/~~(16) “Condemned boiler” means a boiler that has been inspected and declared unsafe or rejected for use by an inspector who is qualified to take such action and who has applied a stamping or marking designating its rejection.

~~/(16)/~~(17) “Deputy inspector” means an inspector who holds a license and who is appointed by the director under the act.

~~/(17)/~~(18) “Existing installation” means and includes any steam boiler constructed, installed, placed in operation, or contracted for before August 10, 1917, or any hot water heating or supply boiler constructed, installed, placed in operation, or contracted for before the effective date of these rules.

~~/(18)/~~(19) “External inspection” means an inspection which is conducted while the boiler is under pressure and which does not involve examination of the internal surfaces of the pressure parts of the boiler.

~~/(19)/~~(20) “Field assembly” means assembling prefabricated boiler pressure parts without field welding or riveting.

~~/(20)/~~(21) “Field erection” means the erecting and assembling of boiler parts by welding, riveting, or other fabrication processes.

~~/(21)/~~(22) “Flash tank” means a closed vessel equipped with internal baffles or an apparatus for the purpose of separating moisture from flash steam as it passes through the vessel.

~~/(22)/~~(23) “Hobby” means an interest or activity that a person pursues in his or her leisure time without compensation.

~~/(23)/~~(24) “Hot water heating and hot water supply boiler” means a boiler that operates at pressures of not more than 160 psi or temperatures of not more than 250 degrees Fahrenheit, at or near the boiler outlet.

~~/(24)/~~(25) “Inspector” means an individual who holds a valid certificate of competency and national board commission.

~~/(25)/~~(26) “Internal furnace” means a furnace in a boiler consisting of a straight or corrugated flue.

~~/(26)/~~(27) “Internal inspection” means an inspection made when a boiler is shut down and handholes or manholes are opened for inspection of the interior.

~~/(27)/~~(28) “Internally fired boiler” means a fire tube boiler that has an internal plate-type, water-cooled furnace.

~~/(28)/~~(29) “Licensed boiler installer” means a person who is engaged in the business of making piping connections to a boiler or a person who is engaged in the business of field-assembling boilers.

~~/(29)/~~(30) “Licensed boiler repairer” means a person engaged in making or supervising all phases of boiler repair, alteration, or field erection.

~~/(30)/~~(31) “Michigan special” means a boiler that is not built in compliance with the code. A boiler is a noncode boiler if it is not stamped with the ASME code symbol stamp.

~~/(31)/~~(32) “Miniature boiler” means a power boiler that does not have any of the following:

(a) An inside diameter of the shell of more than 16 inches.

(b) A working pressure of more than 100 psig.

(c) A gross volume of more than 5 cubic feet.

(d) More than 20 square feet of heating surface.

~~/(32)/~~(33) “Miniature locomotive boiler” means a miniature hobby steam locomotive boiler which operates on a narrow gauge track that is less than 24 inches wide and which is for public display or use.

(34) “NBIC” MEANS NATIONAL BOARD INSPECTION CODE.

~~/(33)/~~(35) “New boiler” means a boiler constructed, installed, placed in operation, or contracted for after July 1, 1966.

~~/(34)/~~(36) “Nonstandard boiler” means a boiler that does not bear the national board stamping or the stamp of any state or political subdivision which has adopted a standard of construction equivalent to that required by the board of boiler rules.

~~/(35)/~~(37) “Owner or user” means a person, firm, partnership, or corporation that owns or operates a boiler within this state.

~~/(36)/~~(38) “Portable boiler” means a boiler which is primarily intended for temporary location and which is, by its construction and usage, obviously portable.

~~/(37)/~~(39) “Reinstalled boiler” means a boiler which is removed from its original setting and which is reinstalled at the same location or reinstalled at a new location.~~//without ownership of the boiler changing.//~~

~~/(38)/~~(40) “Rental boiler” means a boiler which is in temporary use for not more than 1 year and which may or may not be installed inside a boiler room, temporary room, or temporary shed or without external covering.

~~/(39)/~~(41) “Repair” means the work necessary to restore a boiler or its piping to a safe and satisfactory operating condition.

~~/(40)/~~(42) “Safe point of discharge” means a point of discharge that will protect personnel and property from injury due to discharge.

~~/(41)/~~(43) “Special inspector” means an inspector who holds a license and who is regularly employed by an insurance company authorized to insure against a loss from boiler accidents in this state or means any city that has an authorized boiler inspection department.

~~/(42)/~~(44) “Standard boiler” means a boiler that bears the stamp of the national board of boiler and pressure vessel inspectors or of another state or political subdivision which has adopted a standard of construction equivalent to that required by the board of boiler rules of this state.

~~/(43)/~~(45) “Traction boiler” means a boiler designed for the express purpose of pulling farm equipment or to convert steam power into flywheel energy driving farm apparatus such as threshers, saws, or grinding equipment.

(46) “USED BOILER” MEANS A BOILER THAT IS BEING REINSTALLED BY THE SAME OWNER.

~~/(44)/~~(47) “Water heater” means a heater for use in commercial or industrial sizes providing corrosion resistance for supplying potable hot water at pressures not exceeding 160 psi ~~//and//~~or temperatures not exceeding 210 degrees Fahrenheit. A water heater that does not exceed any ~~//one//~~of the following is exempt from these rules:

- (a) A heat input of more than 200,000 BTU per hour.
- (b) A water temperature of more than 210 degrees Fahrenheit.
- (c) A nominal water-containing capacity of more than 120 gallons.

R 408.4024 Adoption of national board inspection code (NBIC) by reference.

Rule 24. (1) The owner shall ensure the inspection, repair, and alteration of boilers and piping is in accordance with the national board inspection code, ~~//1998//~~2001 edition, and its addenda, except as modified by these rules. The national board inspection code is adopted by reference in these rules and may be reviewed at the Okemos office of the Department of Consumer and Industry Services, Bureau of Construction Codes, Boiler Division. The code may be purchased from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229, or from the Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, at a cost as of the time of adoption of these rules of \$70.00 each.

(2) The accreditation programs described in the NBIC are not mandatory, but are accepted for use in the state; however, all boiler repairers shall obtain a license from the boiler division of the department of consumer and industry services.

(3) Where the text of the NBIC refers to the “certificate holder,” the reference shall apply to all licensed boiler repairers, except when the reference is in relation to completion of NBIC forms and NBIC stamping. A licensed repairer is not required to apply the national board “R” symbol stamp to repair and alteration nameplates.

(4) The standard welding procedures referenced in the NBIC are accepted for use in this state, but are not mandatory. A licensed boiler repairer who elects to use 1 or more of the standard welding procedures may, in place of the filing requirement in R 408.4631, file a list of the standard welding procedure identification numbers with the boiler division of the department of consumer and industry services before conducting any repairs or alterations requiring welding.

R 408.4025 ASME code ; adoption by reference.

Rule 25. (1) A boiler shall be constructed as prescribed by these rules and the ASME boiler and pressure vessel code, ~~//1998//~~2001 edition, and its addenda. Sections I, II, III, IV, V, VIII, IX, and XI of the code and addenda are adopted by reference in these rules and may be reviewed at the Okemos office of the Department of Consumer and Industry Services, Bureau of Construction Codes, Boiler Division, 2501 Woodlake Circle, Okemos, Michigan 48864. The code may be purchased at a cost as of the time of adoption of these rules of

~~\$/6,550.00~~/7,900.00 from the ASME International, 22 Law Drive, Fairfield, New Jersey 07007, or from the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864.

(2) The board may accept pressure-retaining items which have been constructed to standards other than ASME standards and which have been accepted by application of the national board of boiler and pressure vessel inspectors criteria for registration procedure.

R 408.4027 Adoption; ASME code CSD-1.

Rule 27. (1) The owner shall ensure that the assembly, maintenance, operation, and testing of controls and safety devices is in accordance with ASME code CSD-1, ~~//1998~~/2001 edition, and its addenda, except as modified by these rules. The code and addenda are adopted by reference in these rules and may be reviewed at the Okemos office of the Department of Consumer and Industry Services, Bureau of Construction Codes, Boiler Division, 2501 Woodlake Circle, Okemos, Michigan 48864. The code may be purchased at a cost as of the time of adoption of these rules of ~~\$/52.00~~/55.00 from the American Society of Mechanical Engineers, 22 Law Drive, Fairfield, New Jersey 07007, or from the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864.

(2) An owner or user of an automatic boiler system shall ensure that the testing of controls and safety devices is conducted in accordance with the following minimum requirements:

| Item | Frequency | Personnel | Remarks |
|------------------------------|-----------|--------------------|---|
| Burner/combustion controls | Annual | Service technician | Manufacturer's instruction |
| Low water fuel cut off | Monthly | User/operator | Slow drain test until boiler shuts down (SEE NOTE 1) |
| High/operating safety limits | Annual | Service technician | Manufacturer's instruction |
| Safety valves | Monthly | User/operator | Manually with 75% of set pressure on boiler, or tested by manufacturer's representative |

Note 1: An alternate test may be conducted on hot water heating boilers if acceptable to the inspector.

(3) An owner or user of an automatic boiler system shall ensure that testing is conducted in accordance with the manufacturer's instruction. Personnel who conduct the testing are not required to be licensed under the act. The owner or user shall provide the inspector, at the time of certificate inspection, with evidence showing what tests have been completed. The inspector may require additional testing if deemed necessary.

R 408.4031 Installation and reinstallation of boilers.

Rule 31. ~~/(1)/~~The owner shall ensure that the installation of a new boiler or a reinstalled boiler is in accordance with the requirements of these rules and the ASME boiler and pressure vessel code, ~~//1998~~/2001 edition, which is adopted by reference in R 408.4025.

~~//(2)//~~Exception: The ASME code requirement for the completion of a P4B data report for the installation of mechanically assembled boiler external piping is not required.

R 408.4032 Non-boiler external piping; power boilers; adoption of standards by reference.

Rule 32. (1) The owner shall ensure that the installation of piping not covered by the ASME boiler and pressure vessel code, section I, ~~//1998//~~2001 edition, is installed as prescribed by the ASME code for pressure piping, B31.1, ~~//1998//~~2001 edition AND ITS ADDENDA. The code for pressure piping is adopted by reference in these rules and may be reviewed at the Okemos office of the Department of Consumer and Industry Services, Bureau of Construction Codes, Boiler Division, 2501 Woodlake Circle, Okemos, Michigan 48864. The code may be purchased at a cost as of the time of adoption of these rules of \$~~//164.00//~~195.00 from the ASME International, 22 Law Drive, Fairfield, New Jersey 07007, or from the Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864.

(2) The owner of a chemical plant or petroleum refinery shall comply with the requirements of subrule (1) of this rule or shall ensure the installation is installed as prescribed by the ASME code for chemical plants and petroleum refineries, B31.3, ~~//1998//~~1999 edition AND ITS ADDENDA.

(3) A licensee under this rule is not required to possess an ASME code symbol stamp, but shall hold a valid installer's license.

(4) The owner shall ensure that the installation of all of the following piping is in accordance with the requirements of subrule (1) of this rule:

- (a) ~~//Blowdown//~~BLOWOFF piping beyond the second valve out to the safe point of discharge.
- (b) Steam piping out to the load.
- (c) Feed-water piping from the pump.
- (d) Condensate piping.

R 408.4033 Permits; documentation for installation, reinstallation, and repair of boilers, BOILER EXTERNAL PIPING, and ~~//boiler-related//~~NON-BOILER EXTERNAL piping.

Rule 33. (1) All of the following provisions apply to permits:

- (a) A person shall not install, reinstall, alter, or repair a boiler without holding a proper license and first securing a permit from the boiler division, department of consumer and industry services.
- (b) A person shall not install, repair, or replace welded pipe without holding a proper license and first securing a permit from the boiler division, department of consumer and industry services.
- (c) A person shall not install, repair, or replace nonwelded pipe without holding a proper license. A permit is not required.

(2) All of the following provisions apply to repair reports:

- (a) A licensee who makes welded repairs shall furnish the boiler division, department of consumer and industry services, with an original and 2 copies of a completed form prescribed by the boiler division.
- (b) A licensee who makes nonwelded repairs to boilers shall furnish the boiler division, department of consumer and industry services, with an original and 2 copies of a completed form prescribed by the boiler division.
- (c) A public utility or industrial plant that has been exempted under section 23 of the act that makes a welded repair to a boiler or boiler external piping, as defined in section I of the ASME code, shall furnish the boiler division, department of consumer and industry services, with a completed repair report on forms prescribed by the boiler division.
- (d) A public utility or industrial plant that has been exempted under section 23 of the act that makes a welded repair to non-boiler external piping shall maintain records of the repairs and make the records available for review as required by the board of boiler rules.

R 408.4038 Fees.

Rule 38. (1) Fees for licenses, permits, certificates, and inspections are as follows:

Licenses

| | |
|-------------------|----------|
| Installer exam | \$75.00. |
| Installer renewal | 75.00. |
| Repairer exam | 75.00. |
| Repairer renewal | 75.00. |
| Inspector exam | 75.00. |
| Inspector renewal | 25.00. |

Permit//s// APPLICATIONS

| | |
|---|------------------------------------|
| Nuclear installation permit APPLICATION | \$/1,200.00 //1,380.00. |
| Nuclear repair permit APPLICATION | //350.00 //400.00. |
| Installation permit APPLICATION | //50.00 //60.00. |
| Repair permit APPLICATION | //50.00 //60.00. |

PERMIT APPLICATION FEES ARE NONREFUNDABLE.

Certificates

| | |
|--------------|------------------------------|
| Certificates | \$/20.00 //25.00. |
|--------------|------------------------------|

Inspections

| | |
|---|-------------------------------|
| Power boilers-150 square feet or less | \$/35.00 //40.00. |
| Power boilers-more than 150 square feet to 4,000 square feet | //100.00 //115.00. |
| Power boilers-more than 4,000 square feet to 10,000 square feet | //115.00 //130.00. |
| Power boilers-more than 10,000 square feet | //130.00 //150.00. |
| Low pressure heating boiler without manhole | //35.00 //40.00. |
| INSPECTION OF AN ADDITIONAL LOW PRESSURE HEATING BOILER WITHOUT A MANHOLE AT THE SAME PHYSICAL LOCATION, ON THE SAME DATE | 30.00. |
| Low pressure heating boiler with manhole | //45.00 //50.00. |
| Low pressure hot water supply boiler | //25.00 //30.00. |
| INSPECTION OF AN ADDITIONAL LOW PRESSURE HOT WATER SUPPLY BOILER AT THE SAME PHYSICAL LOCATION, ON THE SAME DATE | 20.00. |
| Low pressure process boiler without manhole | //35.00 //40.00. |
| Low pressure process boiler with manhole | //45.00 //50.00. |
| Miniature hobby locomotive boiler | 15.00. |

Special inspections

- (2) The boiler division shall provide special inspections not otherwise covered in the fee schedule. The charge for this service shall be at the rate of \$//~~50.00~~//60.00 for the first hour and \$//~~50.00~~//60.00 for each additional hour, plus lodging, meals, transportation, and other related expenses incurred for performing special inspections.
- (3) Fees required under these rules shall be paid by cash, money order, or check to the department. Money orders or checks shall be made payable to://~~Treasurer~~// “State of Michigan.”

R 408.4052 RESCINDED.//Reporting of boilers not bearing Michigan serial numbers.

~~Rule 52. When making an inspection of a boiler that does not bear a Michigan serial number, it is the duty of the inspector making the inspection to report the location to the chief inspector of the boiler division. The chief inspector shall assign a deputy inspector to visit the location, inspect the boiler, and affix a Michigan serial number to the boiler. The serial number shall not be concealed or removed from the boiler.//~~

R 408.4057 Boiler inspection.

Rule 57. (1) An inspector who is properly licensed to inspect boilers in this state shall thoroughly inspect a boiler that is used or proposed to be used in this state as to its construction, installation, and condition as follows:

- (a) A power boiler, process boiler, or high-pressure, high-temperature water boiler shall receive a certificate inspection annually and shall also be externally inspected annually, while under pressure, within 6 months from the date of the internal inspection.
 - (b) A low-pressure steam or vapor heating boiler shall receive a certificate inspection biennially.
 - (c) Hot water heating and hot water supply boilers shall receive a certificate inspection //biennially//TRIENNIALY, with an internal inspection at the discretion of the inspector.
 - (d) A nonvaporizing, organic fluid boiler that is not exempt under these rules shall receive an external certificate inspection //biennially//TRIENNIALY.
 - (e) A miniature hobby locomotive boiler shall receive a certificate inspection annually.
 - (f) A grace period of 2 months beyond the periods specified in subdivisions (a) to (e) of this subrule may lapse between certificate inspections, and the board may permit longer periods between certificate inspections.
 - (G) INTERNAL INSPECTION OF CAST IRON BOILERS SHALL BE AT THE DISCRETION OF THE INSPECTOR.
- (2) THE CERTIFICATE INSPECTION SHALL BE AN INTERNAL INSPECTION IF CONSTRUCTION ALLOWS, OTHERWISE THE CERTIFICATE INSPECTION SHALL BE AS COMPLETE AN INSPECTION AS POSSIBLE UNLESS SPECIFIED OTHERWISE UNDER THIS RULE.
- //~~(2)~~//(3) The chief inspector, deputy inspector, or a special inspector provided for in the act shall make the inspections specified in this rule.
- //~~(3)~~//(4) If, at the discretion of the inspector, a hydrostatic test is necessary, the boiler owner or user shall ensure that the test is performed in the presence of the inspector.

R 408.4058 EXTENSION OF INTERNAL INSPECTION CERTIFICATE TO 24 MONTHS.

RULE 58. (1) AN INTERNAL BOILER INSPECTION MAY BE INCREASED FROM AN ANNUAL INSPECTION TO A 24-MONTH INSPECTION FREQUENCY BY APPROVAL OF THE BOARD OF BOILER RULES. A RESPONSIBLE INDIVIDUAL EMPLOYED BY THE UTILITY OR INDUSTRIAL FACILITY SHALL APPLY FOR THE EXTENSION. THE FOLLOWING INFORMATION SHALL BE ADDRESSED BY PLANT ORDERS, PROCEDURES, OR POLICIES:

- (A) OPERATOR TRAINING.
- (B) BOILER MAINTENANCE.

- (C) WATER CHEMISTRY.
- (D) OPERATING PARAMETERS.
- (E) CHEMICAL CLEANING SCHEDULE.
- (F) PROTECTIVE DEVICES.
- (G) BOILER EXTERNAL INSPECTION.

HIGH ENERGY PIPING SURVEILLANCE PROGRAM.

THE INFORMATION MAY BE CONTAINED IN 1 DOCUMENT OR SEVERAL IF 1 DOCUMENT CONTAINS REFERENCES TO ALL OTHER DOCUMENTS ADDRESSING THE REQUIRED INFORMATION.

(2) THE PLANT OWNER SHALL ESTABLISH A REVIEW COMMITTEE. THE INSPECTOR SHALL BE A MEMBER OF THE COMMITTEE. THE PURPOSE OF THE COMMITTEE IS TO DETERMINE THE ACCEPTABILITY OF A BOILER TO OPERATE SAFELY FOR A 24-MONTH PERIOD. THE COMMITTEE SHALL HAVE ACCESS TO AND REVIEW ALL INFORMATION PERTAINING TO THE PAST OPERATION, MAINTENANCE, AND REPAIR OF THE BOILER. THE REVIEW SHALL BE CONDUCTED WITHIN 30 DAYS AFTER THE INTERNAL INSPECTION. THE COMMITTEE MAY DECREASE THE PERIOD OF TIME THE BOILER MAY OPERATE, BUT SHALL NOT EXTEND THE PERIOD BEYOND 24 MONTHS. THE GRACE PERIOD PROVIDED UNDER R 408.4057 DOES NOT APPLY TO THIS RULE. THE INSPECTOR SHALL HAVE THE FINAL AUTHORITY TO DETERMINE THE NEXT OPERATING PERIOD AND SHALL INDICATE THE NEXT INSPECTION DUE DATE ON HIS OR HER INSPECTION REPORT TO THE BOILER DIVISION.

(3) AN EXTERNAL INSPECTION OF THE BOILER SHALL BE CONDUCTED WHILE UNDER PRESSURE, WITHIN 12 MONTHS OF THE INTERNAL INSPECTION.

R 408.4059 Notification for inspection.

Rule 59. The owner or user shall prepare each boiler for internal inspection and shall prepare for and apply a hydrostatic pressure test, whenever necessary, on the date specified by the chief inspector, deputy inspector, or special inspector. ~~//, which date shall not be more than 7 days after the date of notification.//~~

R 408.4073 Examination fee for boiler inspector's license.

Rule 73. A fee prescribed by R 408.4038 shall be charged for each applicant taking the examination for boiler inspector's license and shall accompany the application filed with the department of ~~//labor//~~ CONSUMER AND INDUSTRY SERVICES. ~~//This//~~ THE fee ~~//shall//~~ entitles the applicant to take the examination twice if necessary. An additional fee prescribed by R 408.4038 shall accompany each subsequent application.

R 408.4077 RESCINDED. ~~//Boiler inspector's license fee.~~

~~Rule 77. An application for a license as an inspector of boilers shall be filed with the department of labor and shall be accompanied by a fee as prescribed by R 408.4038.//~~

R 408.4087 Reporting unregistered boilers.

Rule 87. (1) ~~//When//~~ IF ~~//a special//~~ AN inspector visits a ~~//specific//~~ location to conduct an inspection as required by these rules, THEN he or she shall report the location of all boilers that are not registered. The report shall be in addition to the report pertaining to the inspection of ~~//insured//~~ REGISTERED boilers and their installation. THE CHIEF INSPECTOR SHALL ASSIGN A DEPUTY INSPECTOR TO VISIT THE

LOCATION TO INSPECT ALL UNREGISTERED BOILERS AND AFFIX A MICHIGAN SERIAL NUMBER.

(2) IF AN INSPECTOR MAKES AN INSPECTION OF A BOILER THAT DOES NOT BEAR A MICHIGAN SERIAL NUMBER, THEN THE INSPECTOR SHALL ATTEMPT TO VERIFY WHETHER THE BOILER IS UNREGISTERED OR IS MISSING THE SERIAL NUMBER TAG. IF THE INSPECTOR IS UNABLE TO DETERMINE THAT THE BOILER IS REGISTERED, THEN HE OR SHE SHALL REPORT IT AS PRESCRIBED IN SUBRULE (1) OF THIS RULE.

R 408.4091 APPLICATION FOR BOILER INSTALLER'S LICENSE. ~~//Boiler installer's license; application.//~~

Rule 91. (1) An application for a boiler installer's license shall be on A form ~~//s//~~ provided by the boiler division, department of ~~//labor//~~ CONSUMER AND INDUSTRY SERVICES. The applicant shall state the name of the business, firm, partnership, or corporation that the applicant intends to represent in the business of installing boilers and shall provide evidence of his or her past experience in the installation of boilers and evidence of his or her workmanship and engineering skills that would qualify the applicant for examination and licensing.

(2) An applicant for a boiler installer's license shall have not less than 5 years of experience in all phases of boiler installation in the class of license for which the applicant is applying. A credit of 2 years of experience towards the 5 years of experience may be given for 2 years of experience in the design, construction, manufacture, or inspection of boilers.

(3) THE BOILER DIVISION OF THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES MAY VERIFY INSTALLATIONS REQUIRED TO BE REPORTED ON THE APPLICATION TO ESTABLISH THE APPLICANT'S MINIMUM PRACTICAL INSTALLATION EXPERIENCE IN THE APPLICANT'S DESIRED LICENSE CLASSIFICATION.

R 408.4093 RESCINDED. ~~//Licensee employment requirement.~~

Rule 93. ~~When required by the ASME code, a licensee shall be in the employ of an organization in possession of the appropriate certificate of authorization.//~~

R 408.4099 Identification of applicant's business affiliation FOR INSTALLER'S LICENSE.

Rule 99. (1) An applicant for a boiler installer's license shall state the name of the business, firm, partnership, or corporation under which he or she intends to carry on the business of installing boilers before a license will be issued. The applicant may be the owner, a partner, an officer of a corporation, or a supervisory employee of the business, firm, partnership, or corporation legally registered with the state.

(2) A person ~~//may//~~ SHALL not engage in installing boilers under the name of more than 1 business at any one time.

(3) WHEN REQUIRED BY THE ASME CODE, A LICENSEE SHALL BE IN THE EMPLOY OF AN ORGANIZATION IN POSSESSION OF THE APPROPRIATE CERTIFICATE OF AUTHORIZATION.

R 408.4101 INSTALLER'S LICENSE ~~//Licenses//~~not required.

Rule 101. An individual employed by, and working under the supervision of, a licensed boiler installer ~~//shall//~~ IS not ~~//be//~~ required to be licensed.

R 408.4103 Examination for boiler installer's license.

Rule 103. (1) An applicant for a boiler installer's license shall be required to take an examination approved by the board of boiler rules. The examination will be held quarterly at a location determined by the boiler division, department of ~~//labor//~~CONSUMER AND INDUSTRY SERVICES.

(2) A LICENSEE WISHING TO UPGRADE HIS OR HER LICENSE TO A HIGHER CLASSIFICATION SHALL TAKE THE EXAMINATION PRESCRIBED IN SUBRULE (1) OF THIS RULE.

R 408.4107 Annual renewal of boiler installer's license; CHANGE OF BUSINESS AFFILIATION.

Rule 107. (1) A boiler installer's license shall be renewed annually upon payment of a fee as prescribed by R 408.4038.

(2) An installer's license shall expire on December 31 of each year and shall be renewed. An application for renewal shall be submitted to the department of ~~//labor//~~CONSUMER AND INDUSTRY SERVICES, boiler division, between September 30 and December 31. A license that is not renewed by January 1 shall be voided and may be reinstated only upon application for reinstatement and payment of both the renewal fee and a reinstatement fee of \$75.00. A person requesting renewal of a license within 3 years after the license is voided pursuant to this subrule is not subject to reexamination for the license, but is required to pay both the reinstatement fee and the annual license renewal fee for ~~//each year not renewed//~~THE CURRENT RENEWAL YEAR. A person who fails to renew a license for 3 consecutive years shall be required to meet the requirements of, and take an examination for, the class of license sought.

(3) A licensee who changes business affiliation shall notify the chief inspector, on A form~~//s//~~ provided by the boiler division, of the name and address of the new business affiliate under which the licensee intends to use his or her license. A fee of \$20.00 shall accompany the notification form.

R 408.4109 Classes of boiler installer's licenses.

Rule 109. (1) A class 1B installer's license qualifies a person to install a low-pressure boiler that does not exceed a firing rate of 1,000,000 Btu per hour as certified by the boiler manufacturer. For a class 1B license, the sum of all modules in a modular boiler shall not exceed a firing rate of 1,000,000 Btu per hour as certified by the boiler manufacturer.

(2) A class 2B installer's license qualifies a person to install a low-pressure boiler of any capacity or firing rate AND TO PERFORM WORK COVERED BY A CLASS 1B LICENSE.

(3) A class 3B installer's license qualifies a person to install a power boiler that has a capacity of not more than 5,000 pounds of steam per hour AND TO PERFORM WORK COVERED BY A CLASS 2B LICENSE.

(4) A class 4B installer's license qualifies a person to install a boiler that has a capacity of not more than 300,000 pounds of steam per hour AND TO PERFORM WORK COVERED BY A CLASS 3B LICENSE.

(5) A class 5B installer's license qualifies a person to install a boiler of any capacity or firing rate, except for a nuclear heat source boiler AND TO PERFORM WORK COVERED BY A CLASS 4B LICENSE.

(6) A class 6B installer's license qualifies a person to install a boiler that utilizes a nuclear heat source or its parts, appurtenances, or system components. Before a license is issued, an applicant for a class 6B license shall give evidence of familiarity with and knowledge of all federal rules and regulations regarding the installation of a boiler that has a nuclear heat source and shall be in the employ of a company in possession of a valid ASME nuclear code symbol applicable to the portions of any nuclear boiler system that the company proposes to install.

(7) A class P license qualifies a person to install non-boiler external piping or repair non-boiler external piping as defined by ASME code B31.1 and R 408.4032.

R 408.4111 Boiler ~~//installation to be made in accordance with ASME code.~~//INSTALLER'S INSTALLATION RESPONSIBILITY.

Rule 111. All boiler installations shall be made in accordance with the American society of mechanical engineers boiler code, and in accordance with these rules. Any deviation from these requirements ~~//shall be//~~IS cause for ~~//denial//~~suspension or revocation of THE BOILER INSTALLER'S license.

R 408.4115 RESCINDED.~~//Naming of person in responsible charge.~~

~~Rule 115. On installations of power boilers of a capacity of 100,000 pounds of steam per hour or the equivalent, and on all boilers using a nuclear heat source, the licensee shall be required to name a responsible person in charge at the installation site. That person shall be named on the application for a permit.~~

R 408.4116. RESCINDED.~~//Transferring of installer's license.~~

~~Rule 116. A licensed installer may transfer his or her license from 1 company to another if the licensing classification remains the same and the licensee applies for, and is issued, a new license bearing the name of the company under which the licensee intends to carry on the business of installing boilers. The fee prescribed by R 408.4038 shall accompany the application for a boiler installer's license.~~

R 408.4119 Application for boiler repairer's licenses.

Rule 119. (1) An application for a boiler repairer's license shall be on A form/s/ provided by the boiler division, department of ~~//labor//~~CONSUMER AND INDUSTRY SERVICES. The applicant shall state the name of the business, firm, partnership, or corporation that the applicant intends to represent in the business of repairing boilers and shall give evidence of his or her past experience in the repair of boilers and evidence of his or her workmanship and engineering skills that would qualify the applicant for examination and licensing.

(2) An applicant for a boiler repairer's license shall have had not less than 5 years of experience in all phases of boiler repair in the class of license for which the applicant is applying. A credit of 3 years of experience towards the 5 years of experience will be given for 3 years of experience in the design, construction, manufacture, or inspection of boilers.

(3) The boiler division of the department of ~~//labor//~~CONSUMER AND INDUSTRY SERVICES may verify repairs required to be reported on the application to establish ~~//definitely//~~ the applicant's minimum practical repair experience in the applicant's desired license classification. Copies of the boiler division inspection reports of the repairs shall be made part of the application.

R 408.4121 ~~//Boiler repairer's examination~~//EXAMINATION FOR BOILER REPAIRER'S LICENSE; establishment; administration; nuclear repairer license applicant; certificate of authorization; examination.

Rule 121. (1) The examination for a boiler repairer's license shall be approved by the board-~~//and shall be given on the first Wednesday in March, June, September, and December at the department of labor office in Lansing.~~//OF BOILER RULES. THE EXAMINATION WILL BE HELD QUARTERLY AT A LOCATION DETERMINED BY THE BOILER DIVISION, DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

(2) An applicant ~~//for a boiler repairer's license, including a person//~~ wishing to upgrade his or her license to a higher classification shall take the examination prescribed in subrule (1) of this rule.

(3) The director, upon the request of a company in possession of a valid ASME "N" type certificate of authorization or the national board of boiler and pressure vessel inspectors "NR" certificate of authorization,

shall issue, to an individual of the company, a license as a nuclear repairer if the individual, before receiving his or her license, satisfactorily passes the examination prescribed in subrule (1) of this rule.

R 408.4122 IDENTIFICATION OF APPLICANT'S BUSINESS AFFILIATION FOR REPAIRER'S LICENSE.

RULE 122. (1) AN APPLICANT FOR A BOILER REPAIRER'S LICENSE SHALL STATE THE NAME OF THE BUSINESS, FIRM, PARTNERSHIP, OR CORPORATION UNDER WHICH HE OR SHE INTENDS TO CARRY ON THE BUSINESS OF REPAIRING BOILERS BEFORE A LICENSE WILL BE ISSUED. THE APPLICANT MAY BE THE OWNER, A PARTNER, AN OFFICER OF A CORPORATION, OR A SUPERVISORY EMPLOYEE OF THE BUSINESS, FIRM, PARTNERSHIP, OR CORPORATION LEGALLY REGISTERED WITH THE STATE.

(2) A PERSON SHALL NOT ENGAGE IN REPAIRING BOILERS UNDER THE NAME OF MORE THAN 1 BUSINESS AT ANY ONE TIME.

R 408.4124 REPAIRER'S LICENSE NOT REQUIRED.

RULE 124. AN INDIVIDUAL EMPLOYED BY, AND WORKING UNDER THE SUPERVISION OF, A LICENSED BOILER REPAIRER IS NOT REQUIRED TO BE LICENSED.

R 408.4125 Annual renewal of boiler repairer's license; CHANGE OF BUSINESS AFFILIATION.

Rule 125. (1) A boiler repairer's license shall be renewed annually upon payment of a fee as prescribed by R 408.4038.

(2) A repairer's license shall expire on December 31 of each year and shall be renewed. An application for renewal shall be submitted to the department of ~~//Labor//~~CONSUMER AND INDUSTRY SERVICES, boiler division, between September 30 and December 31. A license that is not renewed by January 1 shall be voided and may be reinstated only upon application for reinstatement and payment of both the renewal fee and a reinstatement fee of \$75.00. A person requesting renewal of a license within 3 years after the license is voided pursuant to this subrule is not subject to reexamination for the license, but is required to pay both the reinstatement fee and the annual license renewal fee for ~~//each year not renewed//~~THE CURRENT RENEWAL YEAR. A person who fails to renew a license for 3 consecutive years shall be required to meet the requirements of, and take an examination for, the class of license sought.

(3) A licensee who changes business affiliation shall notify the chief inspector, on A form~~//s//~~ provided by the boiler division, of the name and address of the new business affiliate under which the licensee intends to use his or her license. A fee of \$20.00 shall accompany the notification form.

R 408.4129 Boiler repairer's repair responsibility.

Rule 129. It is the responsibility of a licensed boiler repairer to make all boiler repairs in accordance with these rules and arrange for the required inspections with ~~//the authorized inspection agency//~~AN INSPECTOR before work is started. ANY DEVIATION FROM THESE REQUIREMENTS IS CAUSE FOR SUSPENSION OR REVOCATION OF THE BOILER REPAIRER'S LICENSE.

R 408.4133 Reports of inspection to be filed.

Rule 133. (1) Each company employing licensed boiler inspectors, within 30 days following each boiler certificate inspection made by the inspectors, shall file a report of the inspection with the chief inspector upon appropriate forms ~~//approved by the board//~~PROVIDED BY THE BOILER DIVISION. Reports of external

inspections shall not be required except when such inspections disclose that the boiler is in dangerous condition. Manufacturers OR national board ~~//and ASME//~~ numbers shall be reported on all reports of inspection.

(2) THE INSPECTOR SHALL LEAVE A SIGNED AND DATED INSPECTION STICKER OR INSPECTION REPORT AT THE INSPECTION LOCATION.

R 408.4149 Notice of violation.

Rule 149. A written notice of violation containing the corrections necessary shall be sent to, or served upon, the owner or user by the chief inspector, deputy inspector, or special inspector advising of the existing conditions and stating a time limit within which the correction ordered must be completed. The notice shall serve as a notice of suspension of the certificate of inspection upon a failure to comply with a correction order by the compliance date. When the notice of violation is issued as a notice of suspension of a certificate of inspection or as a rejection or condemnation of the boiler, a copy of the notice shall be posted adjacent to the inspection certificate. The suspension of an inspection certificate shall continue in effect until the boiler has been made to conform to these rules and until the certificate has been reinstated. A FEE SHALL BE CHARGED IN ACCORDANCE WITH R 408.4038 (2) FOR ALL FOLLOW-UP VISITS BY THE CHIEF INSPECTOR OR DEPUTY INSPECTOR.

R 408.4153 ~~//Illegal to operate//~~ OPERATION OF BOILER UNDER PRESSURE without valid certificate PROHIBITED; PENALTY.

Rule 153. (1) A person, firm, partnership, or corporation shall not operate a boiler under pressure in this state to which these rules apply without a valid inspection certificate OR AT A PRESSURE EXCEEDING THAT SPECIFIED ON THE INSPECTION CERTIFICATE.

(2) An owner or user who causes a boiler to be operated without possessing a valid certificate OR AT A PRESSURE EXCEEDING THAT SPECIFIED ON THE INSPECTION CERTIFICATE ~~//shall be//~~ IS subject to the penalty prescribed in section 24 of the act.

R 408.4163 Notification in case of accident that renders boiler inoperative.

Rule 163. (1) ~~//When//~~ IF an accident occurs that renders a boiler inoperative, THEN the owner or user shall immediately notify the chief inspector. For a serious accident, notice shall be given immediately by the quickest method available, and neither the boiler nor any of its parts shall be removed or disturbed before an inspection has been made by the chief inspector, deputy inspector, or special inspector, unless the removal is to save human life. A condition or failure which results in bodily injury or physical damage to equipment or property other than the boiler or which creates a unique or unusual explosion hazard shall be reported as a serious accident.

(2) A detailed accident report shall be submitted by the owner's or user's insurance company boiler inspector on an accident report form furnished by the boiler division, department of ~~//labor//~~ CONSUMER AND INDUSTRY SERVICES. If a boiler is not insured, a state deputy boiler inspector shall submit the required report.

R 408.4173 RESCINDED. ~~//Installing used or secondhand boilers.~~

Rule 173. ~~Before a used or secondhand boiler can be installed or reinstalled for use in this state, an inspection shall be made by a national board commissioned inspector or an inspector who has attained an examination grade equal to that required by this state. Data that are submitted by the inspector shall be filed by the owner or user of the boiler with the chief inspector for his or her approval.~~

R 408.4175 Inspection of used AND SECONDHAND boilers for reinstallation and operation.

Rule 175. THE OWNER OR USER SHALL ENSURE THAT ALL ~~//All//~~used ~~//or//~~AND secondhand boilers ~~//must first be//~~ARE inspected by the chief inspector or a deputy inspector TO DETERMINE COMPLIANCE WITH THESE RULES BEFORE APPROVAL ~~//and the boiler approved//~~for reinstallation. THE CHIEF INSPECTOR OR DEPUTY INSPECTOR MAY REQUIRE A HYDROSTATIC TEST. ~~//No//~~A used or secondhand boiler ~~//may//~~SHALL NOT be placed in operation until its installation has been approved for operation by the chief inspector or a deputy inspector.

R 408.4177 Reinstallation of used or secondhand boilers; fees.

Rule 177. Reinstallation of a used or secondhand boiler shall only be performed by a licensed boiler installer. A permit fee prescribed by R 408.4038 shall be paid directly to the department of ~~//labor//~~CONSUMER AND INDUSTRY SERVICES and shall accompany the permit to reinstall a used or secondhand boiler.

R 408.4179 Reinstalled boilers; fittings and appurtenances.

Rule 179. ~~//If a boiler is moved and reinstalled, the fittings and appurtenances shall be in compliance with the rules for new installations in the ASME code and these rules.//~~THE OWNER SHALL ENSURE THAT THE INSTALLATION OF A REINSTALLED BOILER CONFORMS TO THE REQUIREMENTS OF R 408.4031.

R 408.4182 Steam cookers or kettles.

Rule 182. (1) These rules do not apply to a steam cooker which has a volume of less than 5 cubic feet and which does not have piped feed connections. ~~//is not covered by these rules.//~~
(2) A fired or electrically heated steam cooker, irrespective of size, that has piped feed connections shall be in compliance with these rules.
(3) A fired or electrically heated kettle, irrespective of size or feed piping connections, shall be in compliance with the requirements of these rules. ~~//and be reported to the chief inspector at the time of installation.//~~ THE OWNER OR USER SHALL REPORT THE INSTALLATION TO THE CHIEF INSPECTOR BEFORE THE UNIT IS OPERATED. The chief inspector shall assign a deputy inspector to visit the installation location to inspect the kettle to determine its safety for operation. A kettle that is operated at or below 15 psi shall be inspected ~~//biannually//~~BIENNIALLY. A kettle that is operated at more than 15 psi shall be inspected annually.

R 408.4187 Prevention of contamination of potable water supply.

Rule 187. ~~//(1) When a boiler other than a hot water supply boiler is connected directly to a potable water supply system, a protective device shall be provided to prevent contamination of the potable water supply.~~
(2) ~~A potable water supply system that is connected to a boiler which operates at a pressure of more than 15 psi steam or 30 psi water or which contains water conditioning chemicals shall be provided with an acceptable air gap piping configuration or a reduced pressure zone backflow preventer.~~
(3) ~~A potable water supply system that is connected to a boiler operates at 15 psi or less steam or 30 psi or less water and which does not contain water conditioning chemicals shall be provided with a double check valve assembly.//~~THE BOILER OWNER SHALL ENSURE THAT A BOILER HAS PROPER CONNECTIONS TO THE POTABLE WATER SUPPLY SYSTEM TO PREVENT CONTAMINATION. THE CONNECTIONS SHALL BE AS SPECIFIED IN THE MICHIGAN PLUMBING CODE, R 408.30701 TO R 408.30796.

R 408.4189 Air for combustion.

Rule 189. The boiler owner shall ensure that a boiler has adequate outside combustion air as specified in the ~~//state//~~ MICHIGAN mechanical code, R 408.30901a TO R 408.30998a.

R 408.4193 Stairways, ladders, platforms, and runways.

Rule 193. (1) ~~//Where//~~IF the distance from the floor to the top of a boiler or boiler setting is more than 8 feet, THEN a permanent stairway or permanently attached inclined or vertical ladder shall be installed to give safe access to, and permit exit from, boiler tops. A permanent platform that provides access to the main stop valve and safety valves of a boiler shall be installed without obstructing the valves. A PLATFORM IS NOT REQUIRED FOR MAIN STOP VALVES THAT ARE OPERATED FROM A REMOTE LOCATION.

(2) ~~//Where//~~IF the distance from the floor to the top of ~~//two//~~2 or more adjacent boilers or boiler settings is more than 8 feet, THEN a steel runway or platform which is not less than 18 inches wide and which is provided with standard handrails and toeboards on either side shall be installed across the top of adjacent boilers or at some other convenient level to afford safe access to the boiler. A runway shall have not less than 2 means of exit which are remotely located from each other and which are connected to a permanent stairway or inclined ladder leading to the floor level.

(3) ~~//Where//~~IF the distance from the top of a boiler or boiler setting to the ceiling is less than 6 feet, THEN special consideration to meet the requirements of this rule will be given by the chief inspector upon receipt of detailed plan information. The chief inspector shall notify the owner or user of his or her decision regarding a request for special consideration and, if denied, shall indicate his or her reasons for the denial.

(4) ~~//Where//~~IF the low point of a water column is located 15 feet or more above the floor or walkway, THEN a platform that has a standard toeboard shall be installed.

(5) A platform shall be installed at 1 end of all drums of a water tube boiler that are more than 4 feet above the floor or walkway to permit safe access to the interior of the drums for cleanout and inspection.

(6) A boiler shall be provided with platforms at cleanout openings on the side walls that are more than 4 feet above the floor or walkway.

(7) An inspector shall notify the chief inspector of an owner or user who is required to conform to this rule, and the chief inspector shall give written notice to the owner or user that the installation of the required stairway, runway, platform, or ladder is to be made. The owner or user shall be allowed 1 year from the date of the chief inspector's notification to complete the work.

(8) A LICENSEE MAY REQUEST A DEVIATION FROM THE REQUIREMENTS OF THIS RULE BY SUBMITTING DRAWINGS TO THE CHIEF INSPECTOR FOR REVIEW AND APPROVAL BEFORE INSTALLATION OF THE BOILER. THE LICENSEE WILL BE NOTIFIED BY THE CHIEF INSPECTOR OF THE APPROVAL OR DENIAL OF THE REQUEST.

R 408.4197 Clearance between boilers and other objects.

Rule 197. (1) A minimum clearance of 24 inches shall be provided between a boiler, its controls, firing equipment, and appurtenances and the building walls and partitions or other boilers or machinery. ~~//A boiler installation with clearances of less than 24 inches between boilers may be approved by the chief inspector but only after his review and written approval of installation engineering drawings submitted to him before installation for such boilers. The applicant for deviation from the requirements of this rule shall be notified of approval or denial and if denied, the chief inspector shall indicate the reasons for such denial.//~~

(2) A LICENSEE MAY REQUEST A DEVIATION FROM THE REQUIREMENTS OF THIS RULE BY SUBMITTING DRAWINGS TO THE CHIEF INSPECTOR FOR REVIEW AND APPROVAL BEFORE INSTALLATION OF THE BOILER. THE LICENSEE WILL BE NOTIFIED BY THE CHIEF INSPECTOR OF THE APPROVAL OR DENIAL OF THE REQUEST.

PART 3. INSPECTION AND TESTING FOR NEW CONSTRUCTION; INSTALLATION AND ALTERNATION OF BOILERS AND PIPING

R 408.4301 Scope.

Rule 301. All boilers and piping constructed for use in this state shall be inspected and tested during construction as required by the applicable ASME code sections that are adopted by reference in R 408.4025, ~~//R 408.4026//~~R 408.4027, and R 408.4032. Any alterations to an existing boiler or piping shall be accomplished in accordance with these rules for new construction.

R 408.4302 Boiler installation.

Rule 302. (1) A boiler shall be installed by a licensed boiler installer in accordance with the requirements of the applicable ASME code referenced in R 408.4031 and as may be required by these rules.

(2) A boiler installer shall file welding procedure specifications and the procedure qualification reports qualified in accordance with the requirements of the ASME code, section IX, welding and brazing qualifications, with the boiler division, department of ~~//Labor//~~CONSUMER AND INDUSTRY SERVICES, before performing any installations requiring welding.

(3) A boiler installer utilizing welding during installation shall have welding procedure specifications, welder performance qualifications, and a quality control manual or procedures to be used or which were used in the conduct of the installation available for the inspector's review.

R 408.4304 Low-water cut off controls.

Rule 304. (1) An automatically fired boiler, except for a hot water supply boiler, shall be equipped with an automatic low-water fuel cut off.~~//that is//~~

(a) FOR HIGH-PRESSURE BOILERS, THE LOW-WATER FUEL CUT OFF SHALL BE located to automatically cut off the fuel supply when the surface of the water falls to ~~//a point not lower than the top of the lower//~~THE LOWEST VISIBLE PART OF THE water gauge glass.~~//not A low water cutoff device for a hot water boiler shall be installed not lower than the lowest point allowed for the installation of the device on a steam boiler as determined by this rule.//~~

~~//(2)//~~(B) For low-pressure boilers, the low-water cut off shall be installed in accordance with ASME code section IV.

~~//(3)//~~(2) A low-water cut off device shall be of the float or probe type or paddle-type nonreversing flow switch as allowed by this rule.

~~//(4)//~~(3) A paddle-type nonreversing flow switch may be used in place of a float or probe-type low-water cut off on an individually automatically fired coil-type instantaneous hot water heating boiler that has intermittent pump operation.

PART 5. INSERVICE INSPECTION OF BOILERS

R 408.4501 ~~//Times of inspection//~~INSPECTION.

Rule 501. The inspection of boilers as provided for under part 1 of these rules shall be made IN ACCORDANCE WITH THE REQUIREMENTS OF THE NBIC, EXCEPT AS MODIFIED BY THESE RULES.~~//when the boiler is registered and at regular periods thereafter, except for rental boilers, which shall receive prior inspection internally and externally in accordance with these rules and be approved for each reinstallation.//~~

R 408.4507 Special hydrostatic test.

Rule 507. (1) At the interval specified by this rule, the owner shall ensure that a special hydrostatic test is performed. The owner shall ensure that the test pressure is not less than 80% of the maximum allowable working pressure and is not more than 1 1/2 times the maximum allowable working pressure. The test pressure shall be acceptable to the inspector. The owner shall ensure that the water temperature used to apply the hydrostatic test is not less than 70 degrees Fahrenheit and that the maximum metal temperature is not more than 120 degrees Fahrenheit. Hold time for the examination by the inspector shall be the time necessary for the inspector to conduct the examination, but not less than 10 minutes. At the discretion of the inspector, the owner shall expose all longitudinal seams, girth seams, boiler supports, and attachments for inspection.

(a) The owner shall ensure that a test of a riveted boiler is performed at 30 years and every 4 years thereafter. An inspector shall decide whether it is necessary to remove rivets to ascertain their condition.

(b) The owner shall ensure that a test of a lap seam boiler which is less than 36 inches in diameter and which operates at 100 PSIG or less is performed at 20 years and every 4 years thereafter. A lap seam boiler which is more than 36 inches in diameter or which operates at more than 100 PSIG is not permitted to operate in this state.

(c) The owner shall ensure that a test is performed on a welded boiler at 30 years and every 8 years thereafter.

(d) The owner shall ensure that a test is performed on a cast iron boiler at 30 years and every 4 years thereafter. The hydrostatic pressure shall not exceed the safety/safety relief valve setting. Internal inspection is at the discretion of the inspector.

(E) THE OWNER MAY REQUEST A WAIVER OF THE SPECIAL HYDROSTATIC TEST REQUIRED UNDER THIS RULE TO THE CHIEF INSPECTOR IF THE BOILER STATED IN THE REQUEST HAS BEEN GRANTED AN EXTENSION OF THE INTERNAL INSPECTION FREQUENCY UNDER R 408.4058. IF A WAIVER IS GRANTED, THE REVIEW COMMITTEE ESTABLISHED UNDER R 408.4058 SHALL EVALUATE THE CONDITION OF THE BOILER DURING EACH REVIEW TO DETERMINE IF A HYDROSTATIC TEST IS NECESSARY.

(2) At the discretion of the inspector, a nondestructive examination may be utilized for seams or weldments that are inaccessible.

R 408.4510 Traction boilers.

Rule 510. ~~/(1) A traction boiler is a boiler designed for the express purpose of pulling farm equipment or to convert steam power into flywheel energy driving farm apparatus, such as thrashers, saws, or grinding equipment. Such boilers shall be subject to the following provisions:~~

~~(a) They shall be annually tested hydrostatically to a hydrostatic pressure of 1 1/2 times working pressure, held for sufficient time to permit visual observation of all seams, joints, supports, and attachments.~~

~~(b) All seams, attachments, supports, and joints will be exposed for each such annual inspection.~~

~~(2) Traction boilers used for display or hobby purposes shall not be operated for any other purpose but that for which they were originally constructed.~~

~~(3) Lap seam boilers shall not be operated in excess of 100 psi.~~

~~(4) Any repairs by welding or riveting to traction boilers shall be made by licensed repair shops only after approved permit has been obtained and subject to the approval of the inspector before and after repair is made. The licensed repair shop shall furnish the department the record of welded repair signed by the authorized inspector who approved the repair.~~/(1) A TRACTION BOILER USED FOR PUBLIC DISPLAY OR USE

SHALL NOT BE OPERATED FOR ANY OTHER PURPOSE THAN IT WAS ORIGINALLY

CONSTRUCTED. TRACTION BOILERS ARE SUBJECT TO ALL OF THE FOLLOWING PROVISIONS:

- (A) A CERTIFICATE INSPECTION ONCE EVERY 3 YEARS IN ACCORDANCE WITH THE NBIC.
 - (B) AT THE TIME OF THE CERTIFICATE INSPECTION, THE OWNER OR USER SHALL PREPARE THE BOILER FOR A HYDROSTATIC TEST AND INTERNAL INSPECTION IN ACCORDANCE WITH THE NBIC.
 - (C) AT THE INITIAL INSPECTION FOR REGISTRATION, THE OWNER OR USER SHALL HAVE ULTRASONIC TESTING PERFORMED IN ACCORDANCE WITH THE NBIC. THE RESULTS SHALL BE RECORDED AND PRESENTED TO THE DEPUTY INSPECTOR AND THE BOILER DIVISION.
 - (D) FOR REGISTERED BOILERS, THE OWNER OR USER SHALL HAVE ULTRASONIC TESTING PERFORMED IN ACCORDANCE WITH THE NBIC COMPLETED BEFORE THE NEXT CERTIFICATE INSPECTION AFTER THIS RULE TAKES EFFECT. THE ULTRASONIC TESTING RESULTS SHALL BE RECORDED AND PRESENTED TO THE DEPUTY INSPECTOR AND THE BOILER DIVISION. SUBSEQUENT ULTRASONIC TESTING SHALL BE AT THE DISCRETION OF THE CHIEF INSPECTOR BASED ON INSPECTION REPORTS FROM THE DEPUTY INSPECTOR.
- (2) TRACTION BOILERS USED FOR COMMERCIAL PURPOSES SHALL RECEIVE A CERTIFICATE INSPECTION ANNUALLY AND ARE SUBJECT TO ALL OF THE FOLLOWING PROVISIONS:
- (A) AN INSPECTION PER APPENDIX C OF THE NBIC.
 - (B) AT THE TIME OF THE CERTIFICATE INSPECTION, THE OWNER OR USER SHALL PREPARE THE BOILER FOR A HYDROSTATIC TEST AND INTERNAL INSPECTION IN ACCORDANCE WITH THE NBIC.
 - (C) AT THE INITIAL INSPECTION FOR REGISTRATION AND EVERY 5 YEARS THEREAFTER, THE OWNER OR USER SHALL HAVE ULTRASONIC TESTING PERFORMED IN ACCORDANCE WITH THE NBIC AND THE RESULTS RECORDED AND PRESENTED TO THE DEPUTY INSPECTOR AND THE BOILER DIVISION.
 - (D) FOR REGISTERED BOILERS, THE OWNER OR USER SHALL HAVE ULTRASONIC TESTING PERFORMED IN ACCORDANCE WITH THE NBIC COMPLETED BEFORE THE NEXT CERTIFICATE INSPECTION AFTER THIS RULE TAKES EFFECT AND EVERY 5 YEARS THEREAFTER. THE ULTRASONIC TESTING RESULTS SHALL BE RECORDED AND PRESENTED TO THE DEPUTY INSPECTOR AND THE BOILER DIVISION.
- (3) LAP SEAM BOILERS SHALL NOT BE OPERATED IN EXCESS OF 100 PSI.
- (4) ALL REPAIRS TO TRACTION BOILERS SHALL BE MADE IN ACCORDANCE WITH PART 6.
- (5) AS USED IN THIS RULE, PUBLIC “DISPLAY OR USE” MEANS DISPLAY TO OR USE BY THE GENERAL PUBLIC BUT NOT THE OWNER OR THE OWNER’S FAMILY.

PART 6. REPAIR OF BOILERS

R 408.4601 Approval of repair.

Rule 601. (1) Repairs to riveted boilers by riveting require the prior approval of the department of ~~//labor//~~CONSUMER AND INDUSTRY SERVICES, boiler division.

(2) For the repair of riveted boilers by welding, see R 408.4626 to ~~//R 408.4691//~~R 408.4689.

R 408.4637 Reports of welded repairs.

Rule 637. A boiler repairer who makes welded repairs shall furnish the boiler division, department of ~~//labor//~~CONSUMER AND INDUSTRY SERVICES, with 2 copies of a report of a welded repair. The report shall be established by the boiler division and shall be signed by the repairer and the inspector certifying that the reported repair was made in accordance with these rules. The boiler repairer shall also furnish the boiler owner or user with a copy of the report of the welded repair, upon request.

FIGURE 11 RESCINDED.

PART 7. BOILER BLOWOFF SYSTEMS

R 408.4711 Safe discharge of water from ~~//blowdown//~~BLOWOFF system.

Rule 711. A safe point of discharge from a ~~//blowdown//~~BLOWOFF system shall be one that will protect personnel and property from the injurious effects of the discharge. All safe points of discharge shall be in compliance with all federal, state, and local regulations governing discharges.

R 408.4739 Water discharge temperature not to exceed 140 degrees Fahrenheit.

Rule 739. (1) When adequate cooling water is available at the blowoff tank or blowoff separator, it shall be connected in a manner that maintains the temperature of the discharge water at or below 140 degrees Fahrenheit when the blowoff valves are fully opened.

(2) The water discharge through drains or ~~//blowoffs//~~BLOWDOWNS on ~~//low-pressure//~~boilers shall not enter a building sewer at a temperature of more than 140 degrees Fahrenheit.

R 408.4750 Determining size of blowoff tank.

Rule 750. Table 5 is based on using 100 feet of equivalent blowoff pipe and on the highest pressure in the particular category. If longer pipe or lower pressure than given in the category is used, THEN the actual flow in pounds per hour may be determined FROM TABLE 6 AND CHART A FOR THE ACTUAL CONDITIONS AND FOR THE MAXIMUM CONDITIONS IN THE CATEGORY AND THE AREA OF THE TANK REDUCED PROPORTIONATELY TO THIS FLOW.

NOTICE OF PUBLIC HEARING

ORR # 2002-002

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

BUREAU OF CONSTRUCTION CODES

BOILER RULES

Please take note that pursuant to the provisions of the Administrative Procedures Act, 1969 PA 306 and the Boiler Act, 1965 PA 290, a public hearing will be held on Thursday, August 1, 2002, 10:00 a.m., at the office of the Bureau of Construction Codes, Conference Room 3, 1st Floor, 2501 Woodlake Circle, Okemos, Michigan, for the purpose of allowing all persons an opportunity to present data, views and arguments relative to the proposed revisions to the boiler rules.

The proposed boiler rules are being updated to adopt the 2001 edition of the American Society of Mechanical Engineers (ASME) code and the 2001 National Board Inspection Code (NBIC).

Copies of the proposed rules are available at www.cis.state.mi.us/bcc/rules.htm or from the Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, telephone 517/241-9334.

Persons unable to attend the hearing may submit comments in writing to the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan, 48909. Comments must be received by August 22, 2002.

Hearing facilities are barrier free. Kindly contact the Bureau to make arrangements for sign language interpreters within ten business days prior to the hearing.

**CERTIFICATE OF NEED
REVIEW STANDARDS**

MCL 24.208 states in part:

Sec. 8. The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(k) All of the items in section 7(l) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.2217.

MCL 24.207 states in part:

Sec. 7. “Rule” means an agency regulation, statement, standard, policy, ruling, or instruction of general applicability that implements or applies law enforced or administered by the agency, or that prescribes the organization, procedure, or practice of the agency, including the amendment, suspension, or rescission of the law enforced or administered by the agency. Rule does not include any of the following:

* * *

(l) All of the following, after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217:

- (i) The designation, deletion, or revision of covered medical equipment and covered clinical services.*
- (ii) Certificate of need review standards*
- (iii) Data reporting requirements and criteria for determining health facility viability.*
- (iv) Standards used by the department of community health in designating a regional certificate of need review agency.*
- (v) The modification of the 100 licensed bed limitation for short-term nursing care programs set forth in section 22210 of the public health code, 1978 PA 368, MCL 333.22210.*

CERTIFICATE OF NEED REVIEW STANDARDS

MICHIGAN DEPARTMENT OF COMMUNITY HEALTH

CERTIFICATE OF NEED REVIEW STANDARDS

FOR MAGNETIC RESONANCE IMAGING SERVICES

(By authority conferred on the Certificate of Need Commission by Section 22215 of Act No. 368 of the Public Acts of 1978, as amended, and sections 7 and 8 of Act No. 306 of the Public Acts of 1969, as amended, being sections 333.22215, 24.207, and 24.208 of the Michigan Compiled Laws.)

Section 1. Applicability

Sec. 1. (1) These standards are requirements for the approval of the initiation, expansion, replacement, relocation, or acquisition of MRI services and the delivery of services for all projects approved and certificates of need issued under Part 222 of the Code which involve magnetic resonance imaging services.

(2) A magnetic resonance imaging service is a covered clinical service for purposes of Part 222 of the Code. An MRI unit approved pursuant to Section 9(1) seeking approval to operate pursuant to sections 3, 4, 5, 6, 7, or 8 shall be considered as a person requesting certificate of need approval to initiate, expand, replace, relocate, or acquire a covered clinical service, as applicable.

(3) The Department shall use sections 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, and 14, as applicable, in applying Section 22225(1) of the Code, being Section 333.22225(1) of the Michigan Compiled Laws.

(4) The Department shall use Section 10, as applicable, in applying Section 22225(2) (c) of the Code, being Section 333.22225(2) (c) of the Michigan Compiled Laws.

Section 2. Definitions

Sec. 2. (1) For purposes of these standards:

(a) "Acquisition of an MRI service or unit" means obtaining control or possession of an existing fixed or mobile MRI service or unit by contract, ownership, lease, or other comparable arrangement.

(b) "Actual MRI adjusted procedures," for purposes of sections 13 and 14, means the number of MRI procedures, adjusted in accordance with the applicable provisions of Section 11, performed on an existing MRI unit, or if an MRI service has two or more MRI units at the same site, the average number of MRI adjusted procedures performed on each unit, for the 12-month period reported on the most recently published "Available MRI Adjusted Procedures List," as of the date an application is deemed complete by the Department.

(c) "Available MRI adjusted procedures," for purposes of Section 13, means the number of MRI adjusted procedures performed by an existing MRI service in excess of 8,000 per fixed MRI unit and 7,000 per mobile MRI unit. For either a fixed or mobile MRI service, the number of MRI units used to compute available MRI adjusted procedures shall include both existing and approved but not operational MRI units. In determining the number of available MRI adjusted procedures, the Department shall use data for the 12-month period reported on the most recently published list of available MRI adjusted procedures as of the date an application is deemed complete by the Department.

In the case of an MRI service that operates, or has a valid certificate of need to operate, more than one fixed MRI unit at the same site, the term means the number of MRI adjusted procedures in excess of 8,000 multiplied by the number of fixed MRI units at the same site. For example, if an MRI service operates, or has a valid certificate of need to operate, two fixed MRI units at the same site, the available number of MRI adjusted procedures is the number that is in excess of 16,000 (8,000 x 2).

In the case of a mobile MRI unit, the term means the sum of all MRI adjusted procedures performed by the same mobile MRI unit at all of the host sites combined that is in excess of 7,000. For example, if a mobile MRI unit serves five host sites, the term means the sum of MRI adjusted procedures for all five host sites combined that is in excess of 7,000.

(d) "Central service coordinator" means the organizational unit which has operational responsibility for a mobile MRI unit. It shall be a legal entity authorized to do business in the State of Michigan.

(e) "Certificate of Need Commission" means the Commission created pursuant to Section 22211 of the Code, being Section 333.22211 of the Michigan Compiled Laws.

(f) "Code" means Act No. 368 of the Public Acts of 1978, as amended, being Section 333.1101 et seq. of the Michigan Compiled Laws.

(g) "Contrast MRI procedure" means an MRI procedure involving either of the following: (i) a procedure following use of a contrast agent or (ii) procedures performed both before and after the use of a contrast agent.

(h) "Department" means the state agency known as the Michigan Department of Community Health.

(i) "Doctor," for purposes of these standards, means an individual licensed under Article 15 of the Code to engage in the practice of medicine, osteopathic medicine and surgery, chiropractic, dentistry, or podiatry.

(j) "Existing magnetic resonance imaging service" or "existing MRI service" means either the utilization of an MRI unit(s) at one site in the case of a fixed MRI service and in the case of a mobile MRI service, the utilization of a mobile MRI unit(s) at each host site, on the date an application is submitted to the Department.

(k) "Expand a fixed MRI service" means an increase in the number of fixed MRI units to be operated by an applicant at the same site.

(l) "Expand a mobile MRI service" means the addition of a mobile MRI unit that will be operated by a central service coordinator that is approved to operate one or more mobile MRI units as of the date an application is submitted to the Department.

(m) "Group practice," for purposes of Section 13(3) (b), means a group practice as defined pursuant to the provisions of 42 U.S.C. 1395nn (h) (4), commonly known as Stark II, and the Code of Federal Regulations, 42 CFR, Part 411, published in the Federal Register on August 14, 1995.

(n) "Health service area" or "HSA" means the geographic areas set forth in Section 16.

(o) "Host site" means the site at which a mobile MRI unit is authorized by certificate of need to provide MRI services.

(p) "Initiate a fixed MRI service" means begin operation of a fixed MRI unit at a site that does not provide fixed MRI services as of the date an application is submitted to the Department. The term does not include the relocation of an existing MRI service meeting the requirements of Section 7 or the renewal of a lease.

(q) "Initiate a mobile MRI host site" means the provision of MRI services at a host site that has not received any MRI services within 12 months from the date an application is submitted to the Department.

The term does not include the renewal of a lease.

(r) "Initiate a mobile MRI service" means begin operation of a mobile MRI unit that serves two or more host sites.

The term does not include the renewal of a lease.

(s) "Inpatient," for purposes of Section 11 of these standards, means an MRI visit involving an individual who has been admitted to the licensed hospital at the site of the MRI unit or in the case of an MRI unit that is not

located at that licensed hospital site, an admitted patient transported from a licensed hospital site by ambulance to the MRI service.

(t) "IRB" or "institutional review board" means an institutional review board as defined by Public Law 93-348 which is regulated by Title 45 CFR 46.

(u) "Licensed hospital site" means a health facility licensed under Part 215 of the Code. In the case of a single site hospital, it is either (i) the location of the facility authorized by license and listed on that licensee's certificate of licensure or (ii) in the case of a hospital with multiple sites, the location of each separate and distinct inpatient unit of the health facility as authorized by the licensee's certificate of licensure.

(v) "Magnetic resonance" or "MR" means the analysis of the interaction which occurs between radio frequency energy, atomic nuclei, and strong magnetic fields to produce cross sectional images similar to those displayed by computed tomography (CT) but without the use of ionizing radiation.

(w) "Magnetic resonance imaging adjusted procedure" or "MRI adjusted procedure" means an MRI visit at an existing MRI service that has been adjusted in accordance with the applicable provisions of Section 11.

(x) "Magnetic resonance imaging database" or "MRI database" means the database, maintained by the Department pursuant to Section 10 of these standards, that collects information about each MRI visit at MRI units located in Michigan.

(y) "Magnetic resonance imaging procedure" or "MRI procedure" means a procedure conducted by an MRI unit approved pursuant to sections 3, 4, 5, 6, 7, or 8 of these standards which is either a single, billable diagnostic magnetic resonance procedure or a procedure conducted by an MRI unit at a site participating with an approved diagnostic radiology residency program, under a research protocol approved by an institutional review board. The capital and operating costs relating to the research use are charged to a specific research account and not charged to or collected from third-party payors or patients. The term does not include a procedure conducted by an MRI unit approved pursuant to Section 9(1).

(z) "Magnetic resonance imaging services" or "MRI services" means either the utilization of an MRI unit(s) at one site in the case of a fixed MRI service or in the case of a mobile MRI service, the utilization of a mobile MRI unit at each host site.

(aa) "Magnetic resonance imaging unit" or "MRI unit" means the magnetic resonance system consisting of an integrated set of machines and related equipment necessary to produce the images and/or spectroscopic quantitative data from scans.

(bb) "Magnetic resonance imaging visit" or "MRI visit" means a single patient visit to an MRI unit which may involve one or more MRI procedures.

(cc) "Mobile MRI unit" means an MRI unit operating at two or more host sites and that has a central service coordinator. The mobile MRI unit shall operate under a contractual agreement for the provision of MRI services at each host site on a regularly scheduled basis.

(dd) "Ownership interest, direct or indirect," for purposes of these standards, means a direct ownership relationship between a doctor and an applicant entity or an ownership relationship between a doctor and an entity that has an ownership relationship with an applicant entity.

(ee) "Pediatric patient," for purposes of these standards, means a patient who is 12 years of age or less.

(ff) "Planning area," for purposes of these standards, means

(i) in the case of a proposed fixed MRI service or unit, the geographic area within a 20-mile radius from the proposed site if the proposed site is not in a rural county and a 50-mile radius from the proposed site if the proposed site is in a rural county.

For purposes of Section 7(8) of these standards, the planning area shall be measured from the original site at which the MRI service was first initiated.

(ii) in the case of a proposed mobile MRI service or unit, except as provided in subsection (iii), the geographic area within a 20-mile radius from each proposed host site if the proposed site is not in a rural county and within a 50-mile radius from each proposed host site if the proposed site is in a rural county.

(iii) in the case of a proposed mobile MRI service or unit meeting the requirement of Section 11(2)(d), the health service area in which all the proposed mobile host sites will be located.

(gg) "Referring doctor," for purposes of these standards, means the doctor of record who ordered the MRI procedure(s) and either to whom the primary report of the results of an MRI procedure(s) is sent or in the case of a teaching facility, the attending doctor who is responsible for the house officer or resident that requested the MRI procedure.

(hh) "Relocate an existing MRI service or unit" means a change in the location of an existing MRI service or unit from the existing site to a different site within the relocation zone.

(ii) "Relocation zone," for purposes of these standards, means the geographic area that is within a 5-mile radius of the existing site of the MRI service or unit to be relocated if the existing MRI service or unit is not located in a rural county and a 10-mile radius if the existing MRI service or unit is located in a rural county.

(jj) "Renewal of a lease" means extending the effective period of a lease for an existing MRI unit that does not involve either replacement of the MRI unit, as defined in Section 2(1) (kk) (i), or (ii) a change in the parties to the lease.

(kk) "Replace an MRI service or unit" means (i) any equipment change involving a change in, or replacement of, the magnet resulting in an applicant operating the same number and type (fixed or mobile) of MRI units before and after project completion or (ii) an equipment change other than a change in the magnet that involves a capital expenditure of \$500,000 or more in any consecutive 24-month period or (iii) the renewal of a lease. The term does not include an upgrade of an existing MRI service or unit, and it does not include a host site that proposes to receive mobile MRI services from a different central service coordinator if the requirements of Section 3(5) (a) -(d), as applicable, have been met.

(ll) "Rural county" means a county not located in a metropolitan area as that term is defined pursuant to the "revised standards for defining metropolitan areas in the 1990's" by the statistical policy office of the office of information and regulatory affairs of the United States office of management and budget, 55 F.R. p. 12154 (March 30, 1990).

(mm) "Sedated patient" means a patient that meets all of the following:

(i) whose level of consciousness is either conscious-sedation or a higher level of sedation, as defined by the American Association of Anesthesiologists, the American Academy of Pediatrics, the Joint Commission on the Accreditation of Health Care Organizations, or an equivalent definition.

(ii) who is monitored by mechanical devices while in the magnet.

(iii) who requires observation while in the magnet by personnel, other than employees routinely assigned to the MRI unit, who are trained in cardiopulmonary resuscitation (CPR).

(nn) "Site," for purposes of these standards, means

(i) in the case of a licensed hospital site, a location that is part of the licensed hospital site or a location that is contiguous to the licensed hospital site or

(ii) in the case of a location that is not a licensed hospital site, a location at the same address or a location that is contiguous to that address.

(oo) "Teaching facility," for purposes of these standards, means a licensed hospital site, or other location, that provides either fixed or mobile MRI services and at which residents or fellows of a training program in diagnostic radiology, that is approved by the Accreditation Council on Graduate Medical Education or American Osteopathic Association, are assigned.

- (pp) "Unadjusted MRI scan" means an MRI procedure performed on a single anatomical site as defined by the MRI database and that is not adjusted pursuant to the applicable provisions of Section 11.
- (qq) "Upgrade an existing MRI unit" means any equipment change that
- (i) does not involve a change in, or replacement of, the magnet; does not result in an increase in the number of MRI units; or does not result in a change in the type of MRI unit (e.g., changing a mobile MRI unit to a fixed MRI unit); and
 - (ii) involves a capital expenditure of less than \$500,000 in any consecutive 24-month period.
- (2) Terms defined in the Code have the same meanings when used in these standards.

Section 3. Requirements for approval of applicants proposing to initiate an MRI service or mobile MRI host site

- Sec. 3. (1) An applicant proposing to initiate a fixed MRI service shall demonstrate that 4,500 MRI adjusted procedures per proposed unit result from application of the methodology in Section 13 of these standards.
- (2) (a) An applicant proposing to initiate a mobile MRI service that involves beginning operation of a mobile MRI unit shall demonstrate that a minimum of 4,000 MRI adjusted procedures per proposed unit result from application of the methodology in Section 13 of these standards.
- (b) The applicant, whether the central service coordinator or the host site, must demonstrate that a minimum of 600 MRI adjusted procedures result from the application of the methodology in Section 13 of these standards, for each proposed host site that
- (i) is not located in a rural county and
 - (ii) has not received any mobile MRI service within the most recent 12-month period as of the date an application is submitted to the Department.
- (c) The applicant, whether the central service coordinator or the host site, must demonstrate that a minimum of 400 MRI adjusted procedures result from the application of the methodology in Section 13 of these standards for each proposed host site that
- (i) is located in a rural county and
 - (ii) has not received any mobile MRI service within the most recent 12-month period as of the date an application is submitted to the Department.
- (3) (a) An applicant, whether the central service coordinator or a proposed host site, proposing to initiate a mobile MRI host site not in a rural county, that is to be part of an existing mobile MRI service, must demonstrate that at least 600 MRI adjusted procedures result from the application of the methodology in Section 13 of these standards for that host site.
- (b) An applicant, whether the central service coordinator or a proposed host site, proposing to initiate a mobile MRI host site in a rural county, that is to be part of an existing mobile MRI service, must demonstrate that at least 400 MRI adjusted procedures result from the application of the methodology in Section 13 of these standards for that host site.
- (4) An applicant that meets all of the following requirements shall not be required to be in compliance with subsection (1):
- (a) The applicant is proposing to initiate a fixed MRI service.
 - (b) The applicant is currently a host site being served by one or more mobile MRI units.
 - (c) The applicant has received, in aggregate, at least 6,000 MRI adjusted procedures within the most recent 12-month period for which data, verifiable by the Department, are available.
 - (d) All of the MRI adjusted procedures provided at the applicant's approved site in the most recent 12-month period, referenced in (c) above, by each mobile MRI service/units from which any of the MRI adjusted procedures are being utilized to meet the minimum 6,000 MRI adjusted procedures shall be utilized to meet the

requirements of (c). [For example: If mobile network 19 provided 4,000 adjusted procedures, network 21 provided 2,100, and network 18 provided 1,000, all of the adjusted procedures from network 19 and 21 must be used (i.e., 6,100) but the 1,000 adjusted procedures from network 18 do not need to be used to meet the 6,000 minimum.]

(e) The applicant shall install the fixed MRI unit within the same relocation zone as the applicant's current, approved host site.

(5) Initiation of a mobile MRI host site does not include the provision of mobile MRI services at a host site if the applicant, whether the host site or the central service coordinator, demonstrates or provides each of the following, as applicable:

(a) The host site has received mobile MRI services from an existing mobile MRI unit within the most recent 12-month period as of the date an application is submitted to the Department.

(b) The addition of a host site to a mobile MRI unit will not increase the number of MRI units operated by the central service coordinator or by any other person.

(c) Notification to the Department of the addition of a host site prior to the provision of MRI services by that mobile MRI unit in accordance with (d).

(d) A signed certification, on a form provided by the Department, whereby each host site for each mobile MRI unit has agreed and assured that it will provide MRI services in accordance with the terms for approval set forth in Section 10 of these standards, as applicable. The central service coordinator also shall identify all current host sites, on this form, that are served by the mobile route as of the date of the signed certification or are committed in writing to be served by the mobile route.

(e) The central service coordinator requires, as a condition of any contract with a host site, compliance with the requirements of these standards by that host site, and the central service coordinator assures compliance, by that host site, as a condition of the certificate of need issued to the central service coordinator.

Section 4. Requirements for approval of an application proposing to expand an existing MRI service

Sec. 4. (1) An applicant proposing to expand a fixed MRI service shall demonstrate that 4,500 MRI adjusted procedures per proposed additional unit result from application of the methodology in Section 13 of these standards.

(2) An applicant proposing to expand a mobile MRI service shall demonstrate that 4,000 MRI adjusted procedures per proposed additional unit result from application of the methodology in Section 13 of these standards.

(3) An applicant proposing to expand a mobile MRI service must provide a copy of the existing or revised contracts between the central service coordinator and each host site(s) that includes the same stipulations as specified in Section 6(2).

Section 5. Requirements for approval of an applicant proposing to replace an existing MRI unit

Sec. 5. An applicant proposing to replace an existing MRI unit shall demonstrate that the proposed project meets each of the following requirements:

(1) Within the most recent 12-month period for which data, verifiable by the Department, are available, at least the applicable minimum number of MRI adjusted procedures set forth in subdivision (a) or (b) have been performed. In meeting this requirement, an applicant shall not include any procedures conducted by an MRI unit approved pursuant to Section 9(1).

(a) Each mobile MRI unit to be replaced has performed in excess of an average of 3,500 MRI adjusted procedures per MRI unit.

(b) Each fixed MRI unit to be replaced has performed in excess of an average of 4,000 MRI adjusted procedures per MRI unit.

(2) An applicant proposing to replace an MRI unit that does not involve a renewal of a lease shall demonstrate that the MRI unit to be replaced is fully depreciated according to generally accepted accounting principles; the existing equipment clearly poses a threat to the safety of the public; or the proposed replacement equipment offers a significant technological improvement which enhances quality of care, increases efficiency, and/or reduces operating costs.

(3) Equipment that is replaced shall be removed from service prior to the replacement equipment becoming operational.

(4) An applicant proposing to replace a mobile MRI unit must provide a copy of the existing or revised contracts between the central service coordinator and each host site(s) that includes the same stipulations as specified in Section 6(2).

Section 6. Additional requirements for approval of an applicant proposing to initiate a mobile MRI service

Sec. 6. (1) An applicant proposing to initiate a mobile MRI service that involves beginning operation of a mobile MRI unit shall identify the proposed regular route schedule and the procedures for handling emergency situations.

(2) An applicant proposing a mobile MRI unit shall submit copies of all proposed contracts related to the mobile MRI unit in the certificate of need application submitted by the central service coordinator. The contract shall include the following:

(a) A signed certification, on a form provided by the Department, whereby each host site has agreed and assured that it will provide MRI services for each mobile MRI unit in accordance with the terms of approval set forth in Section 10 of these standards, as applicable. The central services coordinator also shall identify all current host sites, on this form, as of the date of the signed certification.

(b) A statement that requires compliance with the requirements of these standards by that host site and assures compliance, by that host site, as a condition of the certificate of need issued to the central service coordinator.

(c) A signed agreement between the central service coordinator and the host site(s) that states that for any host site applying, at any time in the future, for a fixed MRI unit under Section 3(4), that the mobile services at the host site will not cease until the fixed unit is in operation or upon the request of the host site. Further, the applicant applying for the fixed MRI unit must stipulate in the application at the time it is submitted to the Department that it has notified all affected host sites as well as the central service coordinator at least six months prior to beginning operation of the fixed MRI unit.

Section 7. Requirements for approval of an application proposing to relocate an existing MRI service or unit

Sec 7. An applicant proposing to relocate an existing MRI service or unit shall demonstrate that the proposed project meets all of the following:

(1) The unit to be relocated is a fixed MRI unit.

(2) The MRI unit to be relocated has been in operation for at least 36 months as of the date an application is submitted to the Department.

(3) The proposed new site of the existing MRI service or unit to be relocated is in the relocation zone.

(4) The proposed project will not result in the replacement of the MRI unit to be relocated unless the applicant demonstrates that the requirements of Section 5, as applicable, also have been met.

(5) The proposed project will not result in an increase of the number of MRI units operated by the MRI service.

- (6) The MRI unit to be relocated performed at least the applicable minimum number of MRI adjusted procedures set forth in Section 10(1)(d)(i) of these standards based on the most recent 12-month period for which the Department has verifiable data.
- (7) The applicant agrees to operate the MRI service or unit in accordance with all applicable project delivery requirements set forth in Section 10 of these standards.
- (8) An applicant that meets all of the following requirements shall be exempt from subsection (3):
 - (a) The licensed hospital site to which the MRI service is to be relocated and the MRI service at the site from which the MRI service is to be relocated are owned by the same person as defined in Section 1106 of this public act or the same governmental entity.
 - (b) The licensed hospital site to which the MRI service is to be relocated is located within the planning area.
 - (c) As evidenced in the governing body resolution required in (e), the MRI service to be relocated shall cease at its current location within 24 months after the date the application receives a final decision of approval from the Department or upon the date the service becomes operational at the relocation site, whichever occurs first.
 - (d) The MRI service shall be relocated and shall be operational within 24 months after the date the application receives a final decision of approval from the Department or the certificate of need to relocate the MRI service shall expire.
 - (e) The certificate of need application includes a resolution of the applicant's governing body that commits to the provisions of (c) and (d).
 - (f) The relocation of the MRI service shall not result in the licensed hospital site having more than one fixed MRI unit.

Section 8. Requirements for approval of an application proposing to acquire an existing MRI service or unit

Sec 8. An applicant proposing to acquire an existing fixed or mobile MRI service or unit shall demonstrate that the proposed project meets all of the following:

- (1) The project will not change the number of MRI units at the site of the MRI service being acquired unless the applicant demonstrates that the project is in compliance with the requirements of sections 3 or 4, as applicable.
- (2) The project will not result in the replacement of an MRI unit at the MRI service to be acquired unless the applicant demonstrates that the requirements of Section 5 also have been met.
- (3) The applicant agrees to operate the MRI service or unit in accordance with all applicable project delivery requirements set forth in Section 10 of these standards.
- (4) For the first application proposing to acquire an existing fixed or mobile MRI service on or after July 1, 1997, the existing MRI service or unit to be acquired shall not be required to be in compliance with the volume requirements applicable to a seller/lessor on the date the acquisition occurs. The MRI service shall be operating at the applicable volume requirements set forth in Section 10(1) (d) (i) of these standards in the second 12 months after the effective date of the acquisition, and annually thereafter.
- (5) For any application proposing to acquire an existing fixed or mobile MRI service or unit, except the first application approved pursuant to subsection (4), an applicant shall be required to document that the MRI service or unit to be acquired is operating in compliance with the volume requirements set forth in Section 10(1) (d) (i) of these standards applicable to an existing MRI service on the date the application is submitted to the Department.

Section 9. Requirements for approval of an application proposing an MRI unit to be used exclusively for research

Sec. 9. (1) An applicant proposing an MRI unit to be used exclusively for research shall demonstrate each of the following:

- (a) The applicant operates a diagnostic radiology residency program approved by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, or an equivalent organization.
 - (b) The MRI unit shall operate under a protocol approved by the applicant's institutional review board.
 - (c) The applicant agrees to operate the unit in accordance with the terms of approval in Section 10(2).
- (2) An applicant meeting the requirements of subsection (1) shall be exempt from meeting the requirements and terms of sections 3, 4, 5, 6, 7, 8, 10 [with the exception of 10(1) (d) (iii)], and 13 of these standards.

Section 10. Project delivery requirements--terms of approval

Sec. 10. (1) An applicant shall agree that, if approved, the services provided by the MRI unit, whether fixed or mobile, shall be delivered and maintained in compliance with the following terms of certificate of need approval:

- (a) Compliance with these standards.
- (b) Compliance with applicable safety and operating standards for the specific MRI unit approved.
- (c) Compliance with the following quality assurance standards:
 - (i) An applicant shall develop and maintain policies and procedures that establish protocols for the following system performance measures. The protocols shall establish the required benchmarks; identify the testing interval, which shall be at least quarterly; and identify the MRI staff person responsible for testing the system performance measures.
 - (A) Signal-to-noise ratio.
 - (B) Spatial resolution.
 - (C) Slice thickness, location, and separation.
 - (D) Spatial linearity.
 - (E) Field homogeneity and drift.
 - (F) System calibration and stability.
 - (G) Cryogen level and boiloff rate.
 - (H) Radio frequency power monitor.
 - (I) Hard copy image quality.
 - (ii) An applicant shall develop and maintain policies, procedures, and protocols for assuring the functionality of each of the following MRI accessories. The protocols shall establish the required benchmarks, identify the testing interval for each accessory, and identify the staff person responsible for testing the system performance measures.
 - (A) All surface coils.
 - (B) Positioning devices.
 - (C) Physiologic triggering/monitoring equipment.
 - (D) Patient communication devices.
 - (E) Scan table position indicator and drives.
 - (F) Data network including storage and retrieval.

In addition to the designated staff person, the system performance measures in subdivisions (A) through (F) and (H) also shall be evaluated by an appropriately trained MRI physicist or engineer. The physicist/engineer shall conduct tests of these system performance measures when the MRI unit begins to operate, and annually thereafter. The purpose of the physicist/engineer test shall be to certify to the Department that the MRI unit meets or exceeds all of the system performance specifications of the manufacturer of the MRI unit in effect for that MRI unit at the time of installation or most recent upgrade. The physicist/engineer shall make available for review the periodic system performance measures test data established in this subsection.

(ii) An applicant shall develop and maintain policies, procedures, and protocols for assuring the functionality of each of the following MRI accessories. The protocols shall establish the required benchmarks, identify the testing interval for each accessory, and identify the staff person responsible for testing the system performance measures.

- (A) All surface coils.
- (B) Positioning devices.
- (C) Physiologic triggering/monitoring equipment.
- (D) Patient communication devices.
- (E) Scan table position indicator and drives.
- (F) Data network including storage and retrieval.

- (G) Emergency rundown/shutdown units.
- (H) Hard copy devices.
- (iii) An applicant shall develop and maintain policies and procedures that establish protocols for assuring the effectiveness of operation and the safety of the general public, patients, and staff in the MRI service. Each of the following must be included and the staff person responsible for development and enforcement of these policies shall be indicated.
 - (A) Access to the MRI service.
 - (B) Access to the MRI scan room.
 - (C) Patient safety clearance before imaging and safety during imaging.
 - (D) Adverse bioeffects, including
 - (1) acoustic hazard.
 - (2) radio frequency burn hazard.
 - (3) specific absorption rates.
 - (4) peripheral nerve stimulation.
 - (5) pregnancy.
 - (6) magnet quench hazard.
 - (E) Sedation.
 - (F) Contrast administration.
 - (G) Treatment of adverse reactions to contrast.
 - (H) Patient monitoring for sedation, anesthesia, and unstable patients.
 - (I) Patient resuscitation, management of emergencies, maintenance of cardiopulmonary resuscitation equipment, and certification requirements for personnel for either basic or advanced cardiopulmonary resuscitation.
 - (J) Screening for metallic implants, pacemakers, and metallic foreign bodies, as well as a list of contraindications.
 - (K) Mechanism for consultation regarding difficult cases.
 - (L) Pulse sequence protocols for specific indications.
 - (M) Institutional review board policies relating to non-FDA approved pulse sequences or investigational procedures.
 - (N) Staff inservice regarding subdivisions (A) through (M).
- (iv) An applicant shall establish a schedule for preventive maintenance for the MRI unit.
- (v) An applicant shall maintain records of the results of the periodic test data required by subdivisions (i) and (ii), including the results of the tests performed by the MRI physicist/engineer required in subdivision (i). An applicant, upon request, shall submit annually to the Department a report of the test data results and evidence of compliance with the applicable project delivery requirements.
- (vi) An applicant shall provide documentation identifying the specific individuals that form the MRI team. At a minimum, the MRI team shall consist of the following professionals:
 - (A) An MRI team leader who shall be responsible for
 - (1) developing criteria for procedure performance.
 - (2) developing protocols for procedure performance.
 - (3) developing a clinical data base for utilization review and quality assurance purposes.
 - (4) transmitting requested data to the Department.
 - (5) screening of patients to assure appropriate utilization of the MRI service.
 - (6) taking and interpretation of scans.
 - (7) coordinating MRI activity at MRI host sites for a mobile MRI unit.
 - (8) identifying and correcting MRI image quality deficiencies.

(B) Physicians who shall be responsible for screening of patients to assure appropriate utilization of the MRI service and taking and interpretation of scans. At least one of these physicians shall be a board-certified radiologist.

(C) An appropriately trained MRI technician who shall be responsible for taking an MRI scan.

(D) An MRI physicist/engineer available as a team member on a full-time, part-time, or contractual basis. An MRI physicist/engineer shall be responsible for at least the following:

- (1) Providing technical specifications for new equipment and assistance in equipment procurement.
- (2) Performing or validating technical performance for system acceptance.
- (3) Establishing preventive maintenance schedules and quality assurance test procedures and recording and reviewing preventive maintenance and quality assurance data.
- (4) Facilitating the repair of acute system malfunctions.
- (5) Training personnel in the MRI service with respect to the technical aspects of MRI scanning and patient and staff safety.
- (6) Assisting in designing and optimizing clinical imaging procedures.

(E) System maintenance personnel who shall be responsible for calibrating the MRI system and preventive maintenance at regularly scheduled intervals and who shall compile and submit quality control data to the MRI team leader.

(vii) An applicant shall document that the MRI team members have the following qualifications:

(A) The MRI team leader is a board-certified or board-eligible radiologist, or other physician trained in MRI, who spends greater than 75 percent of his or her professional time in multiple anatomic site medical imaging. The MRI team leader also shall demonstrate that he or she meets the requirements set forth in subsection (B) for a physician who interprets MRI images.

(B) Each physician credentialed to interpret MRI scans meets the requirements of each of the following:

- (1) The physician is licensed to practice medicine in the State of Michigan.
- (2) The physician has had at least 60 hours of training in MRI physics, MRI safety, and MRI instrumentation in a program that is part of an imaging program accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, and the physician meets the requirements of subdivision (i), (ii), or (iii):

(i) Board certification by the American Board of Radiology, the American Osteopathic Board of Radiology, or the Royal College of Physicians and Surgeons of Canada. If the diagnostic radiology program completed by a physician in order to become board certified did not include at least two months of MRI training, that physician shall document that he or she has had the equivalent of two months of postgraduate training in clinical MRI imaging at an institution which has a radiology program accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association.

(ii) Formal training by an imaging program(s), accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, that included two years of training in cross-sectional imaging and six months training in organ-specific imaging areas.

(iii) A practice in which at least one-third of total professional time, based on a full-time clinical practice during the most recent 5-year period, has been the primary interpretation of MR imaging.

(3) The physician has completed and will complete a minimum of 40 hours every two years of Category in Continuing Medical Education credits in topics directly involving MR imaging.

(4) The physician interprets, as the primary interpreting physician, at least 250 unadjusted MRI scans annually.

(C) An MRI technologist who is registered by the American Registry of Radiologic Technicians and has, or will have within 36 months of the effective date of these standards or the date a technologist is employed by an MRI service, whichever is later, special certification in MRI. If a technologist does not have special certification in

MRI within either of the 3-year periods of time, all continuing education requirements shall be in the area of MRI services.

(D) An applicant shall document that an MRI physicist/ engineer is appropriately qualified. For purposes of evaluating this subdivision, the Department shall consider it prima facie evidence as to the qualifications of the physicist/engineer if the physicist/engineer is certified as a medical physicist by the American Board of Radiology, the American Board of Medical Physics, or the American Board of Science in Nuclear Medicine. However, the applicant may submit and the Department may accept other evidence that an MRI physicist/engineer is qualified appropriately.

(E) An applicant shall document that system maintenance personnel are qualified on the basis of training and experience to perform the calibration, preventive maintenance, and quality control functions on the specific MRI unit approved.

(viii) The applicant shall have, within the MRI unit/service, equipment and supplies to handle clinical emergencies that might occur in the unit. MRI service staff will be trained in CPR and other appropriate emergency interventions. A physician shall be on-site, in, or immediately available to the MRI unit at all times when patients are undergoing scans.

(ix) In addition to all other applicable terms of approval, each mobile MRI unit shall have an operations committee with members representing each host site, the central service coordinator, and the medical director. This committee shall oversee the effective and efficient use of the MRI unit, establish the normal route schedule, identify the process by which changes shall be made to the schedule, develop procedures for handling emergency situations, and review the ongoing operations of the mobile MRI unit on at least a quarterly basis.

(d) Compliance with the following terms of approval, as applicable:

(i) MRI units shall be operating at a minimum average annual level of utilization during the second 12 months of operation, and annually thereafter, of 4,500 MRI adjusted procedures per unit for fixed MRI services and 4,000 MRI adjusted procedures per unit for mobile MRI services. Each mobile host site in a rural county shall have provided at least a total of 400 adjusted procedures during its second 12 months of operation, and annually thereafter, from all mobile units providing services to the site. Each mobile host site not in a rural county shall have provided at least a total of 600 adjusted procedures during its second 12 months of operation and annually thereafter, from all mobile units providing services to the site. In meeting these requirements, an applicant shall not include any MRI adjusted procedures performed on an MRI unit used exclusively for research and approved pursuant to Section 9(1).

(ii) The applicant, to assure that the MRI unit will be utilized by all segments of the Michigan population, shall

(A) provide magnetic resonance services to all individuals based on the clinical indications of need for the service and not on ability to pay or source of payment.

(B) maintain information by source of payment to indicate the volume of care from each source provided annually.

Compliance with selective contracting requirements shall not be construed as a violation of this term.

(iii) The applicant shall participate in a data collection network established and administered by the Department. The data may include, but is not limited to annual budget and cost information, operating schedules, throughout schedules, demographic and diagnostic information, and the volume of care provided to patients from all payor sources, as well as other data requested by the Department and approved by the Commission. The applicant shall provide the required data in a format established by the Department and in a mutually agreed upon media no later than 30 days following the last day of the quarter for which data are being reported to the Department. An applicant shall be considered in violation of this term of approval if the required data are not submitted to the Department within 30 days following the last day of the quarter for which data are being reported. However, the Department shall allow an applicant up to an additional 60 days to submit the required data if reasonable efforts

are made by an applicant to provide the required data. The Department may elect to verify the data through on-site review of appropriate records. Data for an MRI unit approved pursuant to Section 9(1) shall be reported separately.

(iv) The operation of and referral of patients to the MRI unit shall be in conformance with 1978 PA 368, Sec. 16221, as amended by 1986 PA 319; MCL 333.16221; MSA 14.15 (16221).

(e) (i) The applicant shall provide the Department with a notice stating the first date on which the MRI unit became operational, and such notice shall be submitted to the Department within 10 days after the MRI unit is placed into operation.

(ii) An applicant who is a central service coordinator shall notify the Department of any additions, deletions, or changes in the host sites of each approved mobile MRI unit within 10 days after the change(s) in host sites is made.

(2) An applicant for an MRI unit under Section 9(1) shall agree that the services provided by the MRI unit approved pursuant to Section 9(1) shall be delivered in compliance with the following terms of certificate of need approval:

(a) The capital and operating costs relating to the research use of the MRI unit approved pursuant to Section 9(1) shall be charged only to a specific research account(s) and not to any patient or third-party payor.

(b) The MRI unit approved pursuant to Section 9(1) shall not be used for any purposes other than as approved by the institutional review board unless the applicant has obtained certificate of need approval for the MRI unit pursuant to Part 222 and these standards, other than Section 9.

(3) The agreements and assurances required by this section shall be in the form of a certification authorized by the owner or governing body of the applicant.

(4) An applicant approved to initiate a fixed MRI service pursuant to Section 3(4) of these standards shall cease operation of the mobile MRI host site converted to a fixed service and shall not initiate mobile MRI services at that host site for a period of 12 months from the date the fixed service/unit becomes operational.

Section 11. MRI procedure adjustments

Sec. 11. (1) The Department shall apply the following formula, as applicable, to determine the number of MRI adjusted procedures that are performed by an existing MRI service or unit:

(a) The base value for each MRI procedure is 1.0.

(b) For each MRI visit performed on a pediatric patient, 0.25 shall be added to the base value.

(c) For each MRI visit performed on an inpatient, 0.50 shall be added to the base value.

(d) For each MRI procedure performed on a sedated patient, 0.75 shall be added to the base value.

(e) For each contrast MRI procedure performed after use of a contrast agent, and not involving a procedure before use of a contrast agent, 0.35 shall be added to the base value.

(f) For each contrast MRI procedure involving a procedure before and after use of a contrast agent, 1.0 shall be added to the base value.

(g) For each MRI procedure performed at a teaching facility, 0.15 shall be added to the base value.

(h) The results of subsections (a) through (g) shall be summed, and that sum shall represent an MRI adjusted procedure.

(2) The Department shall apply not more than one of the adjustment factors set forth in this subsection, as applicable, to the number of MRI procedures adjusted in accordance with the applicable provisions of subsection (1) that are performed by an existing MRI service or unit.

(a) For a site located in a rural county, the number of MRI adjusted procedures shall be multiplied by a factor of 1.4.

- (b) For a mobile MRI unit that serves hospitals and other host sites located in rural and nonrural counties, the number of MRI adjusted procedures for a site located in a rural county shall be multiplied by a factor of 1.4 and for a site located in a nonrural county, the number of MRI adjusted procedures shall be multiplied by a factor of 1.0.
- (c) For a mobile MRI unit that serves only sites located in rural counties, the number of MRI adjusted procedures shall be multiplied by a factor of 2.0.
- (d) For a mobile MRI unit that serves only sites located in a health service area with one or fewer fixed MRI units and one or fewer mobile MRI units, the number of MRI adjusted procedures shall be multiplied by a factor of 3.5.
- (e) Subsection (2) shall not apply to an application proposing a subsequent fixed MRI unit (second, third, etc.) at the same site.
- (3) The number of MRI adjusted procedures performed by an existing MRI service is the sum of the results of subsections (1) and (2).

Section 12. Documentation of actual utilization

Sec. 12. Documentation of the number of MRI procedures performed by an MRI unit shall be substantiated by the Department utilizing data submitted by the applicant on the form used for reporting MRI procedure data (form PD9 or any subsequent form used for that purpose). The number of MRI procedures actually performed shall be documented by procedure records and not by application of the methodology required in Section 13. The Department may elect to verify the data through on-site review of appropriate records.

Section 13. Methodology for computing the number of available MRI adjusted procedures and requirements for submission and consideration of data commitments from referring doctors

Sec. 13. (1) An applicant shall apply the methodology set forth in this section for computing the number of available MRI adjusted procedures required pursuant to section 3 or 4 of these standards, as applicable. In applying the methodology, the following steps shall be taken in sequence, and data for the 12-month period reported on the most recently published Available MRI Adjusted Procedures List, as of the date an application is deemed complete by the Department, shall be used:

- (a) Determine the number of actual MRI adjusted procedures performed by each existing MRI service within the planning area.
- (b) Determine the number of available MRI adjusted procedures, if any, for each existing MRI service within the planning area from which a referring doctor has submitted a signed data commitment, on a form provided by the Department, to commit his or her available MRI adjusted procedures to a proposed MRI service or unit.
- (c) Determine the number of available MRI adjusted procedures that each referring doctor may commit to an application in accordance with the following:
 - (i) Divide the number of available MRI adjusted procedures determined in subsection (b) by the number of actual MRI adjusted procedures determined in subsection (a) for each existing MRI service within the planning area. The result is the proportion of available MRI adjusted procedures for each existing MRI service.
 - (ii) Multiply the number of actual MRI adjusted procedures that each referring doctor made to each existing MRI service within the planning area, for which a signed data commitment form has been submitted, by the applicable proportion obtained in subdivision (i). The sum of each of these calculations is the number of available MRI adjusted procedures that each referring doctor may commit to a proposed MRI service or unit that will be located within the planning area.

(iii) For purposes of computing available MRI adjusted procedures pursuant to this section, if one or more host sites on a mobile MRI service are located within the planning area of the proposed site, the available MRI adjusted procedures for the entire mobile MRI service will be considered.

(iv) For purposes of computing MRI adjusted procedures pursuant to this section, MRI adjusted procedures performed on MRI units used exclusively for research and approved pursuant to Section 9(1) shall not be included.

(v) For purposes of computing MRI adjusted procedures pursuant to this section, all of the MRI adjusted procedures utilized to meet the requirements of Section 3(4) (d) shall be excluded for three years from the date the fixed MRI unit becomes operational.

(2) An applicant shall submit a signed data commitment, on a form provided by the Department, for each referring doctor committing available MRI adjusted procedures to the same application for a new or additional MRI unit. An applicant also shall submit a computer file that lists, for each MRI service from which data are being committed to the same application, the name and license number of each referring doctor for whom a signed data commitment form is submitted. The computer file shall be provided to the Department on mutually agreed upon media and in a format prescribed by the Department.

(3) The Department shall consider a data commitment, on a form provided by the Department, submitted by an applicant in support of an application, that meets the requirements of each of the following, as applicable:

(a) A referring doctor certifies that 100% of available MRI adjusted procedures for each specified MRI service, calculated pursuant to subsection (1), is being committed and specifies the certificate of need application number, for a new or additional MRI unit proposed to be located within the planning area, to which the data commitment is made. A referring doctor shall not be required to commit available MRI adjusted procedures from all MRI services to which his or her patients are referred for MRI services but only from those MRI services specified by the referring doctor in the data commitment form provided by the Department and submitted by an applicant in support of an application.

(b) A referring doctor certifies that he or she does not have an ownership interest, either direct or indirect, in the applicant entity, except that this requirement shall not apply if the applicant entity is a group practice of which the referring doctor is a member.

(c) A referring doctor certifies that he or she has not been provided, or received a promise of being provided, a financial incentive to commit any of his or her available MRI adjusted procedures to an application.

(4) (a) The Department shall not consider a data commitment from a referring doctor for available MRI adjusted procedures from a specific MRI service if the available MRI adjusted procedures from that specific MRI service were used to support approval of an application for a new or additional MRI unit for which a final decision to approve has been issued by the Director of the Department until either of the following occurs:

(i) The approved certificate of need is withdrawn or expires.

(ii) The MRI service or unit to which the data was committed has been in operation for at least 36 continuous months.

(b) The Department shall not consider a data commitment from a referring doctor for available MRI adjusted procedures from a specific MRI service if the available MRI adjusted procedures from that specific MRI service were used to support an application for a new or additional MRI unit for which a final decision to disapprove was issued by the Director of the Department until either of the following occurs:

(i) A final decision to disapprove an application is issued by the Director and the applicant does not appeal that disapproval or

(ii) If an appeal was made, either that appeal is withdrawn by the applicant or the referring doctor withdraws his or her data commitment pursuant to the requirements of subsection (8).

(5) The Department shall not consider a data commitment from a referring doctor for available MRI adjusted procedures from the same MRI service if that referring doctor has submitted a signed data commitment, on a form provided by Department, for more than one (1) application for which a final decision has not been issued by the Department. If the Department determines that a referring doctor has submitted a signed data commitment for the same available MRI adjusted procedures from the same MRI service to more than one certificate of need application for a new or additional MRI unit pending a final decision, the Department shall

(a) if the applications were filed on the same designated application date, notify all applicants, simultaneously and in writing, that one or more referring doctors have submitted data commitments for available MRI adjusted procedures from the same MRI service and that the referring doctors' data from the same MRI service shall not be considered in the review of any of the pending applications filed on the same designated application date until the referring doctor notifies the Department, in writing, of the one (1) application for which the data commitment shall be considered.

(b) if the applications were filed on different designated application dates, consider the data commitment submitted in the application filed on the earliest designated application date and shall notify, simultaneously in writing, all applicants of applications filed on designated application dates subsequent to the earliest date that one or more referring doctors have submitted data commitments for available MRI adjusted procedures from the same MRI service and that the referring doctors' data shall not be considered in the review of the application(s) filed on the subsequent designated application date(s).

(6) The Department shall not consider any data commitment submitted by an applicant after the date an application is deemed complete unless an applicant is notified by the Department, pursuant to subsection (5), that one or more referring doctors submitted data commitments for available MRI adjusted procedures from the same MRI service. If an applicant is notified that one or more referring doctors' data commitments will not be considered by the Department, the Department shall consider data commitments submitted after the date an application is deemed complete only to the extent necessary to replace the data commitments not being considered pursuant to subsection (5).

(7) In accordance with either of the following, the Department shall not consider a withdrawal of a referring doctor's signed data commitment

(a) during the 120-day period following the date on which the Department's review of an application commences.

(b) after a proposed decision to approve an application has been issued by the Department.

(8) The Department shall consider a withdrawal of a signed data commitment if a referring doctor submits a written notice to the Department, which specifies the certificate of need application number and the specific MRI services for which a data commitment is being withdrawn, and if an applicant demonstrates that the requirements of subsection (7) also have been met.

Section 14. Lists of MRI adjusted procedures published by the Department

Sec. 14. (1) On or before January 1 and July 1 of each year, the Department shall publish the following lists:

(a) A list, known as the "MRI Service Utilization List," of all MRI services in Michigan that includes at least the following for each MRI service:

(i) The number of actual MRI adjusted procedures;

(ii) The number of available MRI adjusted procedures, if any; and

(iii) The number of MRI units, including whether each unit is a clinical unit or an MRI unit used exclusively for research.

(b) A list, known as the "Available MRI Adjusted Procedures List," that identifies each MRI service that has available MRI adjusted procedures and includes at least the following:

- (i) The number of available MRI adjusted procedures;
 - (ii) The name, address, and license number of each referring doctor whose patients received MRI services at that MRI service; and
 - (iii) The number of available MRI adjusted procedures performed on patients referred by each referring doctor and if any are committed to an MRI service. This number shall be calculated in accordance with the requirements of Section 13 (1). A referring doctor may have fractional portions of available MRI adjusted procedures.
- (c) For the lists published pursuant to subsections (a) or (b), the July 1 list will report 12 months of data from the previous calendar year, and the January 1 list will report 12 months of data from the first six months of the previous calendar year and the second six months of the calendar year prior to the previous calendar year. Copies of both lists shall be available upon request.
- (d) The Department shall not be required to publish a list that sorts MRI database information by referring doctor, only by MRI service.
- (2) When an MRI service begins to operate at a site at which MRI services previously were not provided, the Department shall include in the MRI database, data beginning with the second full quarter of operation of the new MRI service. Data from the start-up date to the start of the first full quarter will not be collected to allow a new MRI service sufficient time to develop its data reporting capability. Data from the first full quarter of operation will be submitted as test data but will not be reported in the lists published pursuant to this section.
- (3) In publishing the lists pursuant to subsections (a) and (b), if an MRI service has not reported data in compliance with the requirements of Section 10(1) (d) (iii), the Department shall indicate on both lists that the MRI service is in violation of the requirements set forth in Section 10(1)(d)(iii), and no data will be shown for that service on either list.
- (4) In the case of an MRI service at which MRI services previously were not provided, the Department may use annualized data from at least a consecutive 6-month period in publishing the lists pursuant to subsections (a) and (b).

Section 15. Comparative reviews

Sec. 15. (1) These certificate of need review standards supersede and replace the Certificate of Need Review Standards for Magnetic Resonance Imaging Services approved by the Certificate of Need Commission on March 14, 2000 and effective April 28, 2000.

- (2) Projects reviewed under these standards shall not be subject to comparative review.

SECTION 16. HEALTH SERVICE AREAS

SEC. 16. COUNTIES ASSIGNED TO EACH OF THE HEALTH SERVICE AREAS ARE AS FOLLOWS:

| <u>HSA</u> | | <u>COUNTIES</u> | |
|------------|---|--|---|
| 1 | LIVINGSTON MACOMB WAYNE | MONROE OAKLAND | ST. CLAIR WASHTENAW |
| 2 | CLINTON EATON | HILLSDALE INGHAM | JACKSON LENAWEE |
| 3 | BARRY BERRIEN BRANCH | CALHOUN CASS KALAMAZOO | ST. JOSEPH VAN BUREN |
| 4 | ALLEGAN IONIA KENT LAKE | MASON MECOSTA MONTCALM MUSKEGON | NEWAYGO OCEANA OSCEOLA OTTAWA |
| 5 | GENESEE | LAPEER | SHIAWASSEE |
| 6 | ARENAC BAY CLARE GLADWIN GRATIOT | HURON IOSCO ISABELLA MIDLAND | ROSCOMMON SAGINAW SANILAC TUSCOLA OGEMAW |
| 7 | ALCONA ALPENA ANTRIM BENZIE CHARLEVOIX CHEBOYGAN | CRAWFORD EMMET GD TRAVERSE KALKASKA LEELANAU MANISTEE | MISSAUKEE MONTMORENCY OSCODA OTSEGO PRESQUE ISLE WEXFORD |
| 8 | ALGER BARAGA CHIPPEWA DELTA DICKINSON | GOGEBIC HOUGHTON IRON KEWEENAW LUCE | MACKINAC MARQUETTE MENOMINEE ONTONAGON SCHOOLCRAFT |

**OPINIONS OF THE
ATTORNEY GENERAL**

MCL 14.32 states in part:

“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(j) Attorney general opinions. ”

OPINIONS OF THE ATTORNEY GENERAL

ANIMALS: Person without veterinarian license vaccinating
dogs owned by another

DOGS AND CATS:

LICENSES AND PERMITS:

A kennel owner who is not a licensed veterinarian may not administer routine vaccinations to a dog owned by another person, unless the kennel owner is acting under the supervision of a licensed veterinarian.

Opinion No. 7109

June 7, 2002

Honorable Cameron S. Brown
State Representative
The Capitol
Lansing, MI 48913

You have asked whether a kennel owner who is not a licensed veterinarian may administer routine vaccinations to a dog owned by another person.

Information supplied with your request indicates that a dog kennel owner proposes to administer vaccines (other than rabies vaccine) to a dog with the consent of the dog's owner. The vaccines, which are available over the counter and not prescribed by a veterinarian, are administered for the purpose of preventing disease in the dog receiving the vaccine as well as to protect other dogs boarded at the kennel facility.

The Animal Industry Act, 1988 PA 466, MCL 287.701 *et seq*, was enacted, *inter alia*, to prevent, control, and eradicate infectious, contagious, or toxicological diseases of livestock or other animals. The Act defines the term "animal" to include "domestic animals." Section 3(2).

Section 43(4) of the Act, which regulates the administration of veterinary biologicals, provides that:

Veterinary biologicals shall be administered only by a licensed veterinarian or under the supervision of a licensed veterinarian unless used in compliance with section 18814 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.18814 of the Michigan Compiled Laws.¹

Section 6(31) defines "veterinary biologicals" to mean:

[A]ll viruses, serums, toxins and analogous products of natural or synthetic origin, or products prepared by any type of genetic engineering, such as diagnostics, antitoxins, *vaccines*, live microorganisms, killed microorganisms, and the antigenic or immunizing components of microorganisms intended *for use in the diagnosis, treatment, or prevention of diseases in animals*. [Emphasis added.]

The primary rule of statutory interpretation is to ascertain and give effect to the intent of the Legislature.

Frankenmuth Mut Ins Co v Marlette Homes, Inc, 456 Mich 511, 515; 573 NW2d 611 (1998). The first criterion for determining legislative intent is the specific language of the statute. *In re MCI Telecommunications Complaint*, 460 Mich 396, 411; 596 NW2d 164 (1999). Where the language of a statute is clear and unambiguous, judicial construction is neither necessary nor permitted. *Lorencz v Ford Motor Co*, 439 Mich 370, 376; 483 NW2d 844 (1992). Sections 43(4) and 6(31) of the Animal Industry Act are clear and unambiguous. By definition, vaccines constitute veterinary biologicals. Veterinary biologicals may be administered only by a licensed veterinarian or under the supervision of a licensed veterinarian.

This conclusion is consistent with the Public Health Code, 1978 PA 368, MCL 333.1101 *et seq*, which regulates certain health professionals. The Code prohibits persons from engaging in the practice of veterinary

¹ Section 18814(a) of the Public Health Code enumerates several acts that do not constitute the practice of veterinary medicine.

medicine unless they are licensed by the Board of Veterinary Medicine. Section 18811(1). Section 18805(2) of the Code defines the practice of veterinary medicine to include:

(a) Prescribing or *administering a drug, medicine, treatment*, or method of procedure; performing an operation or manipulation; applying an apparatus or appliance; or giving an instruction or demonstration designed to alter an animal from its normal condition. [Emphasis added.]

It is my opinion, therefore, that a kennel owner who is not a licensed veterinarian may not administer routine vaccinations to a dog owned by another person, unless the kennel owner is acting under the supervision of a licensed veterinarian.

JENNIFER M. GRANHOLM
Attorney General

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2002 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2002 SESSION)**

| Public Act No. | Enrolled House Bill | Enrolled Senate Bill | I.E.* Yes / No | Governor Approved Date | Filed Date | Effective Date | Subject |
|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 1 | | 472 | Yes | 1/21 | 1/23 | 01/23/02 | STATE ; Funds; children's trust fund; revise investment options. (Sen. S. Johnson) |
| 2 | 5027 | | Yes | 1/21 | 1/23 | 01/23/02 | HIGHWAYS ; Name; renaming certain portion of M-69; designate as "Oscar G. Johnson Memorial Highway". (Rep. D. Bovin) |
| 3 | | 430 | No | 2/6 | 2/7 | ** | ENVIRONMENTAL PROTECTION ; Other; dark sky preserve; repeal sunset. (Sen. B. Hammerstrom) |
| 4 | | 471 | Yes | 2/6 | 2/7 | 02/07/02 | FINANCIAL INSTITUTIONS ; Other; licensing of residential mortgage originator; clarify. (Sen. B. Leland) |
| 5 | | 615 | Yes | 2/6 | 2/7 | 02/07/02 | HIGHWAYS ; Name; renaming a certain portion of US-127; establish as the "Gary Priess Memorial Highway." (Sen. V. Garcia) |
| 6 | 5436 | | Yes | 2/14 | 2/14 | 02/14/02 | PROPERTY ; Conveyances; transfer of certain state owned properties in Tuscola county and Wayne county; provide for. (Rep. T. Meyer) |
| 7 | | 682 | Yes | 2/14 | 2/14 | 02/14/02 | CHILDREN ; Support; citation in divorce law; enact change necessitated by 2001 PA 107. (Sen. B. Hammerstrom) |
| 8 | | 683 | Yes | 2/14 | 2/14 | 02/14/02 | CHILDREN ; Support; citation in the family support act; enact changes necessitated by 2001 PA 111. (Sen. B. Hammerstrom) |
| 9 | | 684 | Yes | 2/14 | 2/14 | 02/14/02 | CHILDREN ; Support; citation in child custody act; enact change necessitated by 2001 PA 108. (Sen. B. Hammerstrom) |
| 10 | | 434 | Yes | 2/14 | 2/14 | 02/14/02 | CHILDREN ; Protection; reporting suspected child abuse or neglect; clarify provisions and add categories of mandated reporters. (Sen. B. Hammerstrom) |

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

| Public Act No. | Enrolled House Bill | Enrolled Senate Bill | I.E.* Yes / No | Governor Approved Date | Filed Date | Effective Date | Subject |
|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|--|
| 11 | 4195 | | Yes | 2/18 | 2/19 | 02/19/02 | HEALTH FACILITIES; Nursing homes; individual responsible for receiving complaints and conducting complaint investigations; require nursing home to have such individual available 24 hours per day, 7 days per week. (Rep. B. Patterson) |
| 12 | 4980 | | Yes | 2/18 | 2/19 | 02/19/02 | HIGHWAYS; Name; renaming certain portion of I-69; designate as "Purple Heart Highway." (Rep. P. DeWeese) |
| 13 | 5005 | | Yes | 2/18 | 2/19 | 2/19/02 | TRANSPORTATION; Other; motor fuels quality; revise standards and penalties. (Rep. L. Julian) |
| 14 | 5009 | | Yes | 2/18 | 2/19 | 2/19/02 | CHILDREN; Abuse or neglect; failure to report; increase penalties. (Rep. M. Middaugh) |
| 15 | 4487 | | Yes | 2/21 | 2/21 | 2/21/02 | COMMERCIAL CODE; Sales; price of goods for which a writing is required for an enforceable contract; increase minimum to \$1,000.00. (Rep. J. Koetje) |
| 16 | 4009 | | Yes | 2/27 | 2/28 | 2/28/02 | AGRICULTURE; Other; low-interest loans for certain agricultural disasters; provide for. (Rep. R. Jelinek) |
| 17 | 4812 | | Yes | 2/28 | 3/1 | 3/1/02 | LIENS; Generally; ownership and lien rights of dies, molds, and forms ; revise. (Rep. A. Richner) |
| 18 | 5382 | | Yes | 2/28 | 3/1 | 3/1/2002 # | COMMERCIAL CODE; Secured transactions; reference to molder's lien act in secured transactions; amend uniform commercial code to provide. (Rep. M. Mortimer) |
| 19 | 5023 | | Yes | 3/4 | 3/4 | 03/04/02 | COUNTIES; Other; recording requirements of register of deeds; revise. (Rep. A. Sanborn) |
| 20 | 5024 | | Yes | 3/4 | 3/4 | 03/04/02 | PROPERTY; Land contracts; contracts for sale of land; eliminate witness requirement. (Rep. A. Sanborn) |
| 21 | 5025 | | Yes | 3/4 | 3/4 | 03/04/02 | LAND USE; Land division; signatures on proprietor's certificate on the plat; eliminate witness requirement. (Rep. A. Sanborn) |

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- Tie bar

| Public Act No. | Enrolled House Bill | Enrolled Senate Bill | I.E.* Yes / No | Governor Approved Date | Filed Date | Effective Date | Subject |
|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 22 | 5186 | | Yes | 3/4 | 3/4 | 03/04/02 | COUNTIES ; Employees and officers; requirement for medical examiner to live in county of appointment; eliminate, and repeal acts and parts of acts. (Rep. G. Van Woerkom) |
| 23 | 5022 | | Yes | 3/4 | 3/4 | 03/04/02 | COUNTIES ; Employees and officers; procedure for recording deeds and mortgages; eliminate witness requirement. (Rep. A. Sanborn) |
| 24 | | 505 | No | 3/5 | 3/6 | ** # | CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guideline provisions for possession of firearms on commercial airport property; provide for. (Sen. P. Hoffman) |
| 25 | | 718 | Yes | 3/5 | 3/6 | 03/06/02 | WORKER'S COMPENSATION ; Insurers; certain assessments; revise. (Sen. B. Bullard Jr.) |
| 26 | | 496 | Yes | 3/5 | 3/6 | 03/06/02 | INSURANCE ; Insurers; service of process in certain cases; provide for. (Sen. B. Bullard Jr.) |
| 27 | 4028 | | Yes | 3/5 | 3/6 | 03/06/02 | LOCAL GOVERNMENT ; Other; spot blight designation and acquisition; provide for. (Rep. A. Richner) |
| 28 | 5389 | | Yes | 3/7 | 3/7 | 04/01/02 | CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. W. McConico) |
| 29 | 5390 | | Yes | 3/7 | 3/7 | 04/01/02 | CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. W. O'Neil) |
| 30 | 5391 | | Yes | 3/7 | 3/7 | 04/01/02 | CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. J. Faunce) |
| 31 | 5392 | | Yes | 3/7 | 3/7 | 04/01/02 | CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. L. Julian) |

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| Public Act No. | Enrolled House Bill | Enrolled Senate Bill | I.E.* Yes / No | Governor Approved Date | Filed Date | Effective Date | Subject |
|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 32 | | 493 | Yes | 3/7 | 3/7 | 03/07/02 | INSURANCE ; Other; requirement for commissioner to obtain approval of a circuit court judge before issuing a subpoena in certain cases; eliminate. (Sen. B. Bullard Jr.) |
| 33 | 5483 | | Yes | 3/7 | 3/7 | 3/7/2002 # | BUSINESSES ; Nonprofit corporations; career development and distance learning; provide for in nonprofit corporation act. (Rep. J. Gilbert II) |
| 34 | 5393 | | Yes | 3/7 | 3/7 | *** | CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. J. Faunce) |
| 35 | | 541 | Yes | 3/7 | 3/7 | 05/15/02 | AERONAUTICS ; Other; general amendments; provide for. (Sen. W. North) |
| 36 | 5482 | | Yes | 3/7 | 3/7 | 03/07/02 | BUSINESSES ; Nonprofit corporations; establishment and operation of registered distance learning corporations; authorize. (Rep. J. Allen) |
| 37 | | 604 | Yes | 3/7 | 3/7 | 03/07/02 | INSURANCE ; Property and casualty; mandatory exams of rating organizations; eliminate. (Sen. V. Garcia) |
| 38 | | 605 | Yes | 3/7 | 3/7 | 03/07/02 | INSURANCE ; No-fault; reference to public service commission certification; revise to the department of transportation. (Sen. M. Goschka) |
| 39 | 5139 | | Yes | 3/11 | 3/12 | 03/12/02 | EDUCATION ; School districts; access to high school campus and certain student directory information for official armed forces recruiting representatives; require. (Rep. W. Kuipers) |
| 40 | 4690 | | Yes | 3/11 | 3/12 | 03/12/02 | STATE ; Interstate compacts and agreements; Michigan participation in the interstate compact for adult offender supervision; establish. (Rep. C. LaSata) |
| 41 | 5337 | | Yes | 3/11 | 3/12 | 03/12/02 | TRANSPORTATION ; Carriers; weight restrictions on certain highways or roads; revise. (Rep. J. Gilbert II) |

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| Public Act No. | Enrolled House Bill | Enrolled Senate Bill | I.E.* Yes / No | Governor Approved Date | Filed Date | Effective Date | Subject |
|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|--|
| 42 | 4987 | | Yes | 3/12 | 3/12 | 03/12/02 | OCCUPATIONS; Real estate; procedure for a deposit held by an escrowee; clarify. (Rep. M. Bishop) |
| 43 | | 180 | Yes | 3/13 | 3/14 | 03/14/02 | CRIMES; Prostitution; qualifying underlying offenses to establish second, third, and subsequent offense violations; amend. (Sen. B. Schuette) |
| 44 | 4325 | | Yes | 3/13 | 3/14 | 6/1/2002 # | CRIMES; Prostitution; criteria for determining prior prostitution offenses; amend to include consideration of local ordinance violations. (Rep. C. Bisbee) |
| 45 | 5449 | | Yes | 3/13 | 3/14 | 6/1/2002 # | CRIMES; Prostitution; age limit restricting prosecution for certain prostitution violations; revise, and eliminate requirement of knowledge of age of child for certain other sex-related crimes. (Rep. J. Gilbert II) |
| 46 | | 1029 | Yes | 3/13 | 3/14 | 6/1/2002 # | CRIMES; Prostitution; age limit for charging certain prostitution violations; revise. (Sen. T. McCotter) |
| 47 | 5033 | | Yes | 3/13 | 3/14 | 6/1/2002 # | CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of soliciting child to commit an immoral act; enact. (Rep. M. Kowall) |
| 48 | | 880 | Yes | 3/14 | 3/14 | 11/1/2002 # | PUBLIC UTILITIES; Other; fee structures for use of public rights-of-way; provide for. (Sen. J. Schwarz) |
| 49 | | 881 | Yes | 3/14 | 3/14 | 03/14/02 | COMMUNICATIONS; Telecommunications; Michigan community communications development authority; create. (Sen. L. Stille) |
| 50 | | 999 | Yes | 3/14 | 3/14 | 3/14/2002 # | PROPERTY TAX; Other; credit for the purchase and installation of certain telecommunications equipment; provide for. (Sen. V. Garcia) |

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| Public Act No. | Enrolled House Bill | Enrolled Senate Bill | I.E.* Yes / No | Governor Approved Date | Filed Date | Effective Date | Subject |
|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 51 | 4672 | | Yes | 3/12 | 3/15 | 03/15/02 | EDUCATION ; Other; model local policy concerning the administration of medications to students at school; provide for. (Rep. J. Hansen) |
| 52 | | 796 | Yes | 3/12 | 3/15 | *** # | NATURAL RESOURCES ; Trust funds; natural resources trust fund; provide for expanded investment authority. (Sen. G. McManus Jr.) |
| 53 | | 797 | Yes | 3/12 | 3/15 | *** # | VETERANS ; Trust fund; investment authority; expand. (Sen. V. Garcia) |
| 54 | | 798 | Yes | 3/12 | 3/15 | *** # | NATURAL RESOURCES ; Trust funds; state parks endowment fund; provide for expanded investment authority. (Sen. C. Dingell) |
| 55 | | 799 | Yes | 3/12 | 3/15 | *** # | NATURAL RESOURCES ; Trust funds; nongame fish and wildlife trust fund; expand investment authority. (Sen. A. Smith) |
| 56 | | 800 | Yes | 3/12 | 3/15 | *** # | NATURAL RESOURCES ; Trust funds; game and fish protection trust fund; expand investment authority. (Sen. L. Bennett) |
| 57 | | 801 | Yes | 3/12 | 3/15 | *** # | NATURAL RESOURCES ; Trust funds; Michigan civilian conservation corps endowment fund; expand investment authority. (Sen. D. Koivisto) |
| 58 | 5404 | | Yes | 3/14 | 3/15 | 03/15/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Allen) |
| 59 | 5405 | | Yes | 3/14 | 3/15 | 03/15/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of school districts to pay for loans from state; modify. (Rep. M. Bishop) |
| 60 | 5406 | | Yes | 3/14 | 3/15 | 03/15/02 | LOCAL GOVERNMENT ; Bonds; bonding authority for emergency loans for school districts; repeal. (Rep. L. DeVuyst) |
| 61 | 5407 | | Yes | 3/14 | 3/15 | 03/15/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Gilbert II) |

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+ - Line item veto

- Tie bar

| Public Act No. | Enrolled House Bill | Enrolled Senate Bill | I.E.* Yes / No | Governor Approved Date | Filed Date | Effective Date | Subject |
|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 62 | 5408 | | Yes | 3/14 | 3/15 | 03/15/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Howell) |
| 63 | 5409 | | Yes | 3/14 | 3/15 | 03/15/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Koetje) |
| 64 | 5410 | | Yes | 3/14 | 3/15 | 03/15/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. M. Middaugh) |
| 65 | 5414 | | Yes | 3/14 | 3/15 | 03/15/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. S. Thomas III) |
| 66 | 5412 | | Yes | 3/14 | 3/15 | 03/15/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. G. Van Woerkom) |
| 67 | 5413 | | Yes | 3/14 | 3/15 | 03/15/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. S. Vear) |
| 68 | 5416 | | Yes | 3/14 | 3/15 | 03/15/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. L. Lemmons III) |
| 69 | 5417 | | Yes | 3/14 | 3/15 | 03/15/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. A. Lipsey) |
| 70 | 5418 | | Yes | 3/14 | 3/15 | 03/15/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Rivet) |
| 71 | 5419 | | Yes | 3/14 | 3/15 | 03/15/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the school aid act; modify. (Rep. M. Waters) |
| 72 | 5420 | | Yes | 3/14 | 3/15 | 03/15/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of community colleges; modify. (Rep. P. Zelenko) |
| 73 | 5423 | | Yes | 3/14 | 3/15 | 03/15/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of community colleges; modify. (Rep. M. Pumford) |

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| Public Act No. | Enrolled House Bill | Enrolled Senate Bill | I.E.* Yes / No | Governor Approved Date | Filed Date | Effective Date | Subject |
|----------------|---------------------|----------------------|----------------|------------------------|------------|----------------|---|
| 74 | | 592 | Yes | 3/14 | 3/15 | 03/15/02 | INSURANCE; Third party administrators; requirement that third party administrators have administrative service manager; eliminate. (Sen. B. Bullard Jr.) |
| 75 | | 692 | Yes | 3/14 | 3/15 | 03/15/02 | LAND USE; Farmland and open space; agricultural conservation easement or purchase of development rights; provide that entry into automatically terminates development rights agreement without lien and entitles landowner to tax credit and revise circumstances for relinquishment of farmland from development rights agreement. (Sen. B. Hammerstrom) |
| 76 | 5119 | | Yes | 3/14 | 3/15 | 03/15/02 | LIQUOR; Licenses; small distillery license fee; decrease. (Rep. S. Rocca) |
| 77 | 5585 | | Yes | 3/21 | 3/21 | 03/21/02 | CIVIL PROCEDURE; Civil actions; interest on judgment on a written instrument evidencing indebtedness that bears an interest rate; revise to make application of recent change prospective and provide mechanism for fixing rate when instrument bears a variable interest rate. (Rep. A. Richner) |
| 78 | 5205 | | Yes | 3/25 | 3/25 | 03/25/02 | TRANSPORTATION; Carriers; number of axles allowed on certain designated highways; clarify. (Rep. J. Gilbert II) |
| 79 | 4859 | | Yes | 3/25 | 3/25 | 03/25/02 | CORRECTIONS; Employees; record of controlled substance offenses that were subject to dismissal and discharge; allow to be used by department of corrections or law enforcement agencies for specified purposes. (Rep. L. Julian) |
| 80 | 5434 | | No | 3/25 | 3/25 | ** | TRADE; Other; grain dealers act; provide general amendments. (Rep. T. Meyer) |
| 81 | 4860 | | Yes | 3/25 | 3/25 | 03/25/02 | NATURAL RESOURCES; Hunting; requirement for lottery to issue wild turkey hunting license; eliminate. (Rep. M. Mortimer) |

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| Public Act No. | Enrolled House Bill | Enrolled Senate Bill | I.E.* Yes / No | Governor Approved Date | Filed Date | Effective Date | Subject |
|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|--|
| 82 | 5026 | | Yes | 3/25 | 3/26 | 03/26/02 | WEAPONS; Firearms; transportation requirements for certain firearms ; clarify. (Rep. S. Vear) |
| 83 | | 884 | Yes | 3/25 | 3/26 | 03/26/02 | LEGISLATURE; Auditor general; reference to auditor general in vocational education acts; eliminate. (Sen. T. McCotter) |
| 84 | | 885 | Yes | 3/25 | 3/26 | 03/26/02 | LEGISLATURE; Auditor general; reference to auditor general in social welfare act; eliminate. (Sen. T. McCotter) |
| 85 | | 886 | Yes | 3/25 | 3/26 | 03/26/02 | LEGISLATURE; Auditor general; reference to auditor general regarding commitment to certain institutions; eliminate. (Sen. T. McCotter) |
| 86 | | 888 | Yes | 3/25 | 3/26 | 03/26/02 | LEGISLATURE; Auditor general; reference to auditor general regarding certain auction duties; eliminate. (Sen. T. McCotter) |
| 87 | | 890 | Yes | 3/25 | 3/26 | 03/26/02 | LEGISLATURE; Auditor general; act regarding Michigan dairymen's association; repeal. (Sen. T. McCotter) |
| 88 | | 894 | Yes | 3/25 | 3/26 | 03/26/02 | LEGISLATURE; Auditor general; reference to auditor general in the code of criminal procedure; eliminate. (Sen. T. McCotter) |
| 89 | | 895 | Yes | 3/25 | 3/26 | 03/26/02 | LEGISLATURE; Auditor general; reference to auditor general in the prison code; eliminate. (Sen. T. McCotter) |
| 90 | | 690 | Yes | 3/26 | 3/26 | 03/26/02 | STATE; Authorities; authority to oversee the operation of certain types of airports including Detroit metropolitan Wayne county airport; create. (Sen. G. Steil) |
| 91 | 5216 | | Yes | 3/26 | 3/27 | 4/9/2002 # | ELECTIONS; Voting equipment; uniform statewide voting system; provide for under certain conditions. (Rep. B. Patterson) |
| 92 | 5674 | | No | 3/27 | 3/27 | ** | COURTS; Circuit court; certain judicial circuits and judicial districts; reform, and allow the office of district judge and probate judge to be combined in certain counties. (Rep. K. Bradstreet) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 93 | 5732 | | Yes | 3/27 | 3/27 | 3/27/2002 # | RETIREMENT ; State employees; early retirement for certain state employees; allow under certain circumstances. (Rep. P. DeWeese) |
| 94 | 5110 | | Yes | 3/27 | 3/27 | 3/27/2002 # | RETIREMENT ; Public school employees; public pension protection and health advance funding; provide for. (Rep. S. Caul) |
| 95 | 5112 | | Yes | 3/27 | 3/27 | 3/27/2002 # | RETIREMENT ; Judges; public pension protection; provide for. (Rep. A. Lipsey) |
| 96 | 5113 | | Yes | 3/27 | 3/27 | 3/27/2002 # | RETIREMENT ; State police; public pension protection; provide for. (Rep. C. Brown) |
| 97 | 5114 | | Yes | 3/27 | 3/27 | 3/27/2002 # | RETIREMENT ; Legislative; public pension protection; provide for. (Rep. S. Thomas III) |
| 98 | 5111 | | Yes | 3/27 | 3/27 | 3/27/2002 # | RETIREMENT ; Fire and police; public pension protection; provide for. (Rep. J. Howell) |
| 99 | 5109 | | Yes | 3/27 | 3/27 | 3/27/2002 # | RETIREMENT ; State employees; public pension protection; provide for. (Rep. J. Voorhees) |
| 100 | 5108 | | Yes | 3/27 | 3/27 | 3/27/2002 # | RETIREMENT ; Generally; public pension protection act; enact. (Rep. J. Vander Roest) |
| 101 | 5125 | | Yes | 3/27 | 3/27 | 07/01/02 | CRIMES ; Larceny; manufacture, distribution, or possession of a theft detection shielding device or of a tool designed to deactivate or remove a theft detection device; prohibit and provide penalties. (Rep. M. Bishop) |
| 102 | 5126 | | Yes | 3/27 | 3/27 | 7/1/2002 # | CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guidelines for a theft detection device offense; enact. (Rep. M. Bishop) |
| 103 | | 887 | Yes | 3/27 | 3/27 | 03/27/02 | LEGISLATURE ; Auditor general; reference to auditor general regarding compensation of injured peace officers; eliminate. (Sen. T. McCotter) |
| 104 | | 889 | Yes | 3/27 | 3/27 | 03/27/02 | LEGISLATURE ; Auditor general; reference to auditor general regarding protective committees; eliminate. (Sen. T. McCotter) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 105 | | 892 | Yes | 3/27 | 3/27 | 03/27/02 | LEGISLATURE ; Auditor general; reference to auditor general in the insurance code of 1956; eliminate. (Sen. T. McCotter) |
| 106 | | 896 | Yes | 3/27 | 3/27 | 03/27/02 | LEGISLATURE ; Auditor general; reference to auditor general in university funds; eliminate. (Sen. T. McCotter) |
| 107 | 5145 | | Yes | 3/27 | 3/27 | 03/27/02 | NATURAL RESOURCES ; Other; conservation district annual meeting; allow for change of date. (Rep. D. Mead) |
| 108 | 4937 | | Yes | 3/27 | 3/27 | 03/27/02 | NATURAL RESOURCES ; Fishing; minimum age for voluntary all-species fishing license; eliminate. (Rep. S. Tabor) |
| 109 | | 543 | Yes | 3/27 | 3/27 | 07/01/02 | LIENS ; Garage keepers; garage keeper's lien act; clarify certain procedures. (Sen. L. Bennett) |
| 110 | | 678 | Yes | 3/27 | 3/27 | 03/27/02 | USE TAX ; Collections; motor vehicles held for resale; define price tax base. (Sen. B. Bullard Jr.) |
| 111 | 5327 | | Yes | 4/1 | 4/1 | 04/01/02 | EDUCATION ; Curricula; model financial literacy programs; provide for. (Rep. M. Bishop) |
| 112 | | 730 | Yes | 3/29 | 4/1 | 04/22/02 | CRIMINAL PROCEDURE ; Search and seizure; search warrant affidavits; revise procedures. (Sen. S. Johnson) |
| 113 | | 930 | Yes | 3/29 | 4/1 | 4/22/2002 # | CRIMES ; Other; certain acts relating to terrorism; prohibit and provide penalties. (Sen. D. DeGrow) |
| 114 | | 936 | Yes | 3/29 | 4/1 | 5/1/2002 # | CRIMINAL PROCEDURE ; Grand jury; certain grand jury information regarding terrorism-related offenses; clarify information sharing procedures. (Sen. B. Bullard Jr.) |
| 115 | | 939 | Yes | 3/29 | 4/1 | 4/22/2002 # | CRIMES ; Other; crime of obtaining certain diagrams or descriptions of vulnerable targets with the intent to commit a terrorist act; create. (Sen. J. Schwarz) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 116 | | 940 | Yes | 3/29 | 4/1 | 4/22/2002 # | CRIMES; Definitions; definition of vulnerable target in explosives chapter of penal code; expand to include stadiums, critical transportation infrastructures, and public services providers. (Sen. W. North) |
| 117 | | 942 | Yes | 3/29 | 4/1 | 4/22/2002 # | CRIMES; Other; use of the internet or other electronic or telecommunication system or device to disrupt critical infrastructures or governmental operations; provide penalties. (Sen. B. Hammerstrom) |
| 118 | | 943 | Yes | 3/29 | 4/1 | 05/01/02 | TRANSPORTATION; Carriers; penalties for the transportation of hazardous materials without a hazardous materials endorsement; increase. (Sen. K. Sikkema) |
| 119 | | 948 | Yes | 3/29 | 4/1 | 4/22/2002 # | CRIMINAL PROCEDURE; Statute of limitations; statute of limitations for certain crimes involving terrorism; eliminate. (Sen. M. Goschka) |
| 120 | | 949 | Yes | 3/29 | 4/1 | 4/22/2002 # | CRIMINAL PROCEDURE; Sentencing; restitution to all governmental entities for terrorist activities; require. (Sen. L. Bennett) |
| 121 | | 994 | Yes | 3/29 | 4/1 | 04/01/02 | MILITARY AFFAIRS; Other; military leaves and reemployment protection for members of the military who have been called to active service; clarify. (Sen. A. Miller Jr.) |
| 122 | | 995 | Yes | 3/29 | 4/1 | 4/22/2002 # | CRIMINAL PROCEDURE; Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. (Sen. D. Koivisto) |
| 123 | | 996 | Yes | 3/29 | 4/1 | 4/22/2002 # | CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of certain threats and false reports relating to terrorism; enact. (Sen. D. Byrum) |
| 124 | | 997 | Yes | 3/29 | 4/1 | 4/22/2002 # | CRIMES; Other; terrorism; include as predicate offense for racketeering violation. (Sen. B. Leland) |

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| 125 | | 1005 | Yes | 3/29 | 4/1 | 04/01/02 | HEALTH FACILITIES; Hospitals; biohazard detection and handling plan; require each hospital to establish. (Sen. M. Scott) |
| 126 | 4037 | | Yes | 3/29 | 4/1 | 04/22/02 | TRAFFIC CONTROL; Driver license; penalties for an individual who reproduces, alters, counterfeits, forges, or duplicates a license photograph; increase. (Rep. J. Faunce) |
| 127 | 5041 | | Yes | 3/29 | 4/1 | 4/22/2002 # | TRAFFIC CONTROL; Driver license; sentencing guidelines for crimes relating to forging driver licenses; enact. (Rep. J. Kooiman) |
| 128 | 5270 | | Yes | 3/29 | 4/1 | 04/22/02 | CRIMINAL PROCEDURE; Search and seizure; search warrant affidavits; declare to be nonpublic information. (Rep. S. Caul) |
| 129 | 5295 | | Yes | 3/29 | 4/1 | 04/22/02 | CRIMINAL PROCEDURE; Jurisdiction; jurisdiction for prosecution of criminal offense; clarify. (Rep. G. DeRossett) |
| 130 | 5349 | | Yes | 3/29 | 4/1 | 05/01/02 | CIVIL RIGHTS; Public records; critical infrastructure; exempt from freedom of information act. (Rep. M. Shulman) |
| 131 | 5495 | | Yes | 3/29 | 4/1 | 4/22/2002 # | CRIMES; Other; certain acts relating to terrorism; prohibit and provide penalties. (Rep. J. Howell) |
| 132 | 5496 | | Yes | 3/29 | 4/1 | 05/01/02 | STATE; Planning; Michigan emergency management act; revise powers and duties. (Rep. G. Newell) |
| 133 | 5501 | | Yes | 3/29 | 4/1 | 05/01/02 | MILITARY AFFAIRS; Other; procedure for granting immunity to certain military personnel ordered to respond to acts or threats of terrorism, procedure for apprehending individuals, access restrictions to real property used for military purposes, and plans for defense of state; authorize and clarify. (Rep. R. Richardville) |

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| 134 | 5506 | | Yes | 3/29 | 4/1 | 04/22/02 | CRIMES ; Other; crime of using, delivering, or possessing an imitation explosive; include possession as violation. (Rep. C. Phillips) |
| 135 | 5507 | | Yes | 3/29 | 4/1 | 04/22/02 | CRIMES ; Other; penalties for knowingly placing a harmful substance in food or water supply; increase. (Rep. G. Woronchak) |
| 136 | 5509 | | Yes | 3/29 | 4/1 | 4/22/2002 # | CRIMES ; Money laundering; terrorism; include in definition of “specified criminal offense”. (Rep. N. Quarles) |
| 137 | | 946 | Yes | 4/1 | 4/1 | 4/22/2002 # | CRIMINAL PROCEDURE ; Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. (Sen. W. Van Regenmorter) |
| 138 | | 468 | Yes | 4/1 | 4/1 | 04/01/02 | PROPERTY ; Conveyances; certain parcels of state owned property in Genesee, Wayne, and Kalkaska counties; provide for conveyance. (Sen. J. Cherry Jr.) |
| 139 | | 899 | Yes | 4/1 | 4/1 | 04/01/02 | LEGISLATURE ; Auditor general; reference to auditor general for federal roads; eliminate. (Sen. T. McCotter) |
| 140 | 5511 | | Yes | 4/1 | 4/1 | 4/22/2002 # | CRIMES ; Definitions; definition of vulnerable target in explosives chapter of penal code; expand to include certain other structures and facilities. (Rep. L. Toy) |
| 141 | 5512 | | Yes | 4/1 | 4/1 | 4/22/2002 # | CRIMINAL PROCEDURE ; Other; compensation to victims and payment of expenses for government response for terrorism-related offenses; provide for. (Rep. G. Jacobs) |
| 142 | 5513 | | Yes | 4/1 | 4/1 | 05/01/02 | CRIMINAL PROCEDURE ; Forfeiture; seizure and forfeiture of property used in connection with a terrorism-related offense; provide for. (Rep. C. LaSata) |

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| 143 | 5520 | | Yes | 4/1 | 4/1 | 4/22/2002 # | CRIMINAL PROCEDURE; Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. (Rep. D. Bovin) |
| 144 | | 1105 | Yes | 4/1 | 4/1 | 4/1/2002 + | APPROPRIATIONS; Higher education; higher education; provide for fiscal year 2002-2003. (Sen. J. Schwarz) |
| 145 | | 902 | Yes | 4/1 | 4/2 | 04/02/02 | LEGISLATURE; Auditor general; reference to auditor general in hospitals and sanatoria; eliminate. (Sen. T. McCotter) |
| 146 | 5400 | | Yes | 4/1 | 4/2 | 04/02/02 | INSURANCE; Life; ability to provide excess loss insurance; provide for. (Rep. L. Julian) |
| 147 | 5328 | | Yes | 4/1 | 4/2 | 04/02/02 | PROPERTY; Land contracts; definition of “real estate mortgage”; clarify. (Rep. M. Bishop) |
| 148 | 5118 | | Yes | Unsigned | 4/5 | 04/05/02 | NATURAL RESOURCES; Gas and oil; slant drilling beneath Great Lakes; prohibit except for existing leases. (Rep. S. Shackleton) |
| 149 | 5021 | | Yes | 4/8 | 4/8 | 07/01/02 | TRAFFIC CONTROL; Speed restrictions; penalties for violation of speed limit in construction zone; increase number of points added to driving record. (Rep. J. Allen) |
| 150 | | 811 | Yes | 4/8 | 4/8 | 04/08/02 | TRANSPORTATION; Other; use of rights-of-way, structures, welcome centers, and rest stops for commercial intelligent transportation system applications; allow. (Sen. B. Bullard Jr.) |
| 151 | | 812 | Yes | 4/8 | 4/8 | 04/08/02 | TRANSPORTATION; Other; use of rights-of-way, structures, welcome centers, and rest stops for commercial intelligent transportation system applications; allow. (Sen. B. Bullard Jr.) |
| 152 | 5422 | | Yes | 4/8 | 4/8 | 04/08/02 | LOCAL GOVERNMENT; Bonds; bonding authority of community colleges; modify. (Rep. T. Meyer) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|--|
| 153 | | 897 | Yes | 4/8 | 4/8 | 04/08/02 | LEGISLATURE; Auditor general; reference to auditor general regarding veterans' trust funds; eliminate. (Sen. T. McCotter) |
| 154 | | 898 | Yes | 4/8 | 4/8 | 04/08/02 | LEGISLATURE; Auditor general; reference to auditor general in state board of equalization; eliminate. (Sen. T. McCotter) |
| 155 | | 900 | Yes | 4/8 | 4/8 | 04/08/02 | AGRICULTURE; Other; act to reimburse for pest eradication; repeal. (Sen. T. McCotter) |
| 156 | | 901 | Yes | 4/8 | 4/8 | 04/08/02 | LEGISLATURE; Auditor general; reference to auditor general for agricultural college lands; eliminate. (Sen. T. McCotter) |
| 157 | | 385 | Yes | 4/8 | 4/8 | 01/01/03 | EDUCATION; Board members; requirements for nomination as a candidate for office of school board; revise. (Sen. K. Sikkema) |
| 158 | | 386 | Yes | 4/8 | 4/8 | 01/01/03 | ELECTIONS; Candidates; requirements for nomination as a candidate for county commissioner; revise. (Sen. T. McCotter) |
| 159 | | 387 | Yes | 4/8 | 4/8 | 01/01/03 | LIBRARIES; District; requirements for nomination as a candidate for district library board; revise. (Sen. B. Hammerstrom) |
| 160 | | 388 | Yes | 4/8 | 4/8 | 01/01/03 | LIBRARIES; Other; requirements for nomination as a candidate for office of library board; revise. (Sen. B. Hammerstrom) |
| 161 | | 1100 | Yes | 4/8 | 4/8 | 04/08/02 | APPROPRIATIONS; Community colleges; community and junior colleges; provide for fiscal year 2002-2003. (Sen. H. Gast) |
| 162 | | 397 | Yes | 4/8 | 4/8 | 04/08/02 | STATE; Symbol; mastodon; establish as state fossil. (Sen. T. McCotter) |
| 163 | 5335 | | Yes | 4/9 | 4/9 | 04/09/02 | ELECTIONS; Ballots; provisions regulating names and designations on ballots; revise and clarify. (Rep. A. Richner) |
| 164 | | 346 | Yes | 4/10 | 4/11 | 04/11/02 | TORTS; Liability; definition of wrongful or negligent act against a pregnant individual; expand to include the death of the embryo or fetus. (Sen. W. Van Regenmorter) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 165 | | 971 | Yes | 4/10 | 4/11 | 04/11/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the property tax act; modify. (Sen. S. Johnson) |
| 166 | | 973 | Yes | 4/10 | 4/11 | 04/11/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the property tax act; modify. (Sen. D. Byrum) |
| 167 | | 903 | Yes | 4/23 | 4/23 | 04/23/02 | LEGISLATURE ; Auditor general; reference to auditor general regarding certain universities; eliminate. (Sen. T. McCotter) |
| 168 | | 904 | Yes | 4/23 | 4/23 | 04/23/02 | LEGISLATURE ; Auditor general; reference to duties of the auditor general for certain forest roads; eliminate. (Sen. T. McCotter) |
| 169 | | 905 | Yes | 4/23 | 4/23 | 04/23/02 | LEGISLATURE ; Auditor general; reference to duties of the auditor general regarding certain education funds; eliminate. (Sen. T. McCotter) |
| 170 | | 906 | Yes | 4/23 | 4/23 | 04/23/02 | LEGISLATURE ; Auditor general; reference to duties of the auditor general in Michigan agricultural college act; eliminate. (Sen. T. McCotter) |
| 171 | | 907 | Yes | 4/23 | 4/23 | 04/23/02 | LEGISLATURE ; Auditor general; reference to duties of the auditor general in sanatoriums act; eliminate. (Sen. T. McCotter) |
| 172 | | 908 | Yes | 4/23 | 4/23 | 04/23/02 | LEGISLATURE ; Auditor general; reference to duties of the auditor general in military bonus bonds act; eliminate. (Sen. T. McCotter) |
| 173 | | 909 | Yes | 4/23 | 4/23 | 04/23/02 | LEGISLATURE ; Auditor general; reference to duties of the auditor general in veterans' military pay act; eliminate. (Sen. T. McCotter) |
| 174 | | 910 | Yes | 4/23 | 4/23 | 04/23/02 | LEGISLATURE ; Auditor general; reference to duties of the auditor general in Korean veterans' pay act; eliminate. (Sen. T. McCotter) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 175 | | 911 | Yes | 4/23 | 4/23 | 04/23/02 | LEGISLATURE; Auditor general; reference to duties of the auditor general in insect and pests act; eliminate. (Sen. T. McCotter) |
| 176 | | 912 | Yes | 4/23 | 4/23 | 04/23/02 | LEGISLATURE; Auditor general; reference to duties of the auditor general regarding bonds for certain state officers; eliminate. (Sen. T. McCotter) |
| 177 | | 913 | Yes | 4/23 | 4/23 | 04/23/02 | LEGISLATURE; Auditor general; reference to duties of the auditor general in certain state lands; eliminate. (Sen. T. McCotter) |
| 178 | | 915 | Yes | 4/23 | 4/23 | 04/23/02 | LEGISLATURE; Auditor general; reference to duties of the auditor general regarding certain school taxes; eliminate. (Sen. T. McCotter) |
| 179 | | 916 | Yes | 4/23 | 4/23 | 04/23/02 | LEGISLATURE; Auditor general; reference to duties of the auditor general regarding certain state land; eliminate. (Sen. T. McCotter) |
| 180 | | 918 | Yes | 4/23 | 4/23 | 04/23/02 | LEGISLATURE; Auditor general; reference to duties of the auditor general for certain tax payments; eliminate. (Sen. T. McCotter) |
| 181 | 5415 | | Yes | 4/23 | 4/23 | 04/23/02 | LOCAL GOVERNMENT; Bonds; bonding authority of the revised school code; modify. (Rep. C. Kolb) |
| 182 | 5421 | | Yes | 4/23 | 4/23 | 04/23/02 | LOCAL GOVERNMENT; Bonds; bonding authority of community colleges; modify. (Rep. W. Kuipers) |
| 183 | 5516 | | Yes | 4/23 | 4/24 | 05/01/02 | FINANCIAL INSTITUTIONS; Banks; financial institution to seize funds of terrorist organizations; require. (Rep. D. Sheltrown) |
| 184 | 5517 | | Yes | 4/23 | 4/24 | 5/1/02 | FINANCIAL INSTITUTIONS; Credit unions; financial institution to seize funds of terrorist organizations; require. (Rep. M. Waters) |
| 185 | 5518 | | Yes | 4/23 | 4/24 | 5/1/02 | FINANCIAL INSTITUTIONS; Savings and loan associations; financial institution to seize funds of terrorist organizations; require. (Rep. W. McConico) |

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|----------------|---------------------|----------------------|----------------|------------------------|------------|----------------|---|
| 186 | | 829 | Yes | 4/23 | 4/24 | 4/24/02 | LOCAL GOVERNMENT; Bonds; bonding authority relating to the management of state funds; modify. (Sen. V. Garcia) |
| 187 | | 830 | Yes | 4/23 | 4/24 | 4/24/02 | LOCAL GOVERNMENT; Bonds; bonding authority of the executive organization act of 1965; repeal. (Sen. B. Leland) |
| 188 | | 831 | Yes | 4/23 | 4/24 | 4/24/02 | LOCAL GOVERNMENT; Bonds; bonding authority of the department of management and budget; modify. (Sen. V. Garcia) |
| 189 | | 832 | Yes | 4/23 | 4/24 | 4/24/02 | LOCAL GOVERNMENT; Bonds; bonding authority for city exhibition areas; modify. (Sen. A. Smith) |
| 190 | | 835 | Yes | 4/23 | 4/24 | 04/24/02 | LOCAL GOVERNMENT; Bonds; bonding authority of tax increment finance authorities; modify. (Sen. V. Garcia) |
| 191 | | 1107 | Yes | 4/25 | 4/26 | 04/26/02 | APPROPRIATIONS; School aid; school aid; adjust for fiscal year 2001-2002 and provide for fiscal year 2002-2003. (Sen. L. Stille) |
| 192 | 5763 | | Yes | 4/26 | 4/26 | 04/26/02 | EMPLOYMENT SECURITY; Benefits; unemployment benefits; increase, revise calculation and payment, and include Indian tribes. (Rep. R. Richardville) |
| 193 | | 966 | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority for municipal borrowing; modify. (Sen. G. Peters) |
| 194 | | 967 | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority for borrowing for road purposes; modify. (Sen. V. Garcia) |
| 195 | | 968 | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority for bonds or notes for capital improvements; modify. (Sen. R. Emerson) |
| 196 | | 969 | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of an employee-owned corporation revolving loan fund; repeal. (Sen. D. Byrum) |
| 197 | | 970 | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of the property tax act; modify. (Sen. B. Bullard Jr.) |

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| 198 | | 972 | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of the property tax act; modify. (Sen. S. Johnson) |
| 199 | | 974 | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of county improvement act; modify. (Sen. K. DeBeaussaert) |
| 200 | | 975 | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of county and regional parks; modify. (Sen. A. Sanborn) |
| 201 | | 976 | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of home rule cities; modify. (Sen. S. Johnson) |
| 202 | | 978 | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of blighted area rehabilitation; modify. (Sen. B. Leland) |
| 203 | | 979 | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of county zoning act; modify. (Sen. T. McCotter) |
| 204 | | 980 | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of township zoning act; modify. (Sen. T. McCotter) |
| 205 | 5182 | | Yes | 4/26 | 4/29 | 04/29/02 | OCCUPATIONS; Electricians; installation, maintenance, or servicing of certain lawn irrigation equipment and landscape lighting; exempt from license requirements. (Rep. W. Kuipers) |
| 206 | 5576 | | Yes | 4/26 | 4/29 | 05/01/02 | CRIMINAL PROCEDURE; Sentencing guidelines; technical amendments; provide for. (Rep. J. Faunce) |
| 207 | 5480 | | Yes | 4/26 | 4/29 | 04/29/02 | FOOD; Other; protection of halal food; provide penalties for consumer fraud. (Rep. G. Woronchak) |
| 208 | 5525 | | Yes | 4/26 | 4/29 | 04/29/02 | AGRICULTURE; Weights and measures; voluntary registration of certain persons; provide for and update standards. (Rep. G. Van Woerkom) |
| 209 | 5136 | | Yes | 4/26 | 4/29 | 04/29/02 | AGRICULTURE; Plants; destruction of certain crops grown for certain purposes; provide civil damages. (Rep. T. Meyer) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 210 | | 1032 | Yes | 4/26 | 4/29 | 04/29/02 | CRIMES; Other; provision relating to taunting of an individual as having been a convict or an inmate in a correctional facility or jail; repeal. (Sen. T. McCotter) |
| 211 | | 1027 | Yes | 4/26 | 4/29 | 04/29/02 | ADVERTISING; Other; provision relating to sale and distribution of publications reporting certain criminal activity; repeal. (Sen. T. McCotter) |
| 212 | 5102 | | Yes | 4/26 | 4/29 | 04/29/02 | CORRECTIONS; Other; short title for department of corrections act; provide for. (Rep. J. Faunce) |
| 213 | 5623 | | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Tabor) |
| 214 | 5625 | | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. G. DeRossett) |
| 215 | 5626 | | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Ehardt) |
| 216 | 5627 | | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. D. Mead) |
| 217 | 5628 | | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Hummel) |
| 218 | 5629 | | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. M. Murphy) |
| 219 | 5630 | | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. W. McConico) |

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| 220 | 5631 | | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. M. Waters) |
| 221 | 5632 | | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. D. Hale) |
| 222 | 5633 | | Yes | 4/26 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Pestka) |
| 223 | | 842 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; Michigan tax lien sale and collateralized securities act; repeal. (Sen. B. Hammerstrom) |
| 224 | | 843 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority under the revised judiciary act; modify. (Sen. W. Van Regenmorter) |
| 225 | | 844 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of federal facility development act, the federal data facility act, and corresponding income tax credit; repeal. (Sen. J. Schwarz) |
| 226 | | 845 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of townships; modify. (Sen. W. Van Regenmorter) |
| 227 | | 847 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority for township water supply and sewage disposal services and facilities; modify. (Sen. B. Bullard Jr.) |
| 228 | | 849 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority for township parks and places of recreation; modify. (Sen. B. Bullard Jr.) |
| 229 | | 850 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority for public improvements; modify. (Sen. S. Johnson) |

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| 230 | | 851 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of charter townships; modify. (Sen. T. McCotter) |
| 231 | | 855 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of fourth class cities; modify. (Sen. W. North) |
| 232 | | 857 | Yes | 27-Apr | 29-Apr | 4/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of a community swimming pool authority; modify. (Sen. W. Van Regenmorter) |
| 233 | | 858 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of recreational authorities; modify. (Sen. S. Johnson) |
| 234 | | 860 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of downtown development authorities; modify. (Sen. B. Bullard Jr.) |
| 235 | | 861 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority under local development financing act; modify. (Sen. D. Shugars) |
| 236 | | 862 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority under resort district rehabilitation act; modify. (Sen. B. Hammerstrom) |
| 237 | | 864 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority for state convention facility development; modify. (Sen. M. Scott) |
| 238 | | 865 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority of county departments of solid waste management; modify. (Sen. G. Peters) |
| 239 | | 866 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT; Bonds; bonding authority for garbage disposal plants; modify. (Sen. J. Young Jr.) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 240 | | 867 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT ; Bonds; bonding authority for city and village garbage disposal; modify. (Sen. J. Young Jr.) |
| 241 | | 868 | Yes | 4/27 | 4/29 | 04/29/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of municipal sewage and water supply systems; modify. (Sen. K. DeBeaussiaert) |
| 242 | | 869 | Yes | 4/27 | 4/29 | 4/29/02 | LOCAL GOVERNMENT ; Bonds; bonding authority under land reclamation and improvement authority act; modify. (Sen. M. Dunaskiss) |
| 243 | | 1166 | Yes | 4/30 | 4/30 | 4/30/02 | PROPERTY TAX ; State education tax; summer levy; require. (Sen. H. Gast) |
| 244 | | 1165 | Yes | 4/30 | 4/30 | 4/30/02 | PROPERTY TAX ; Millage; 1-time collection of a summer tax levy; provide for and amend title. (Sen. J. Schwarz) |
| 245 | 5298 | | Yes | 4/30 | 4/30 | 5/1/02 | CRIMINAL PROCEDURE ; Mental capacity; "guilty but mentally ill" provisions; revise to conform with insanity statute. (Rep. J. Koetje) |
| 246 | 5411 | | Yes | 4/30 | 4/30 | 5/1/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. M. Mortimer) |
| 247 | | 1007 | Yes | 4/30 | 4/30 | 5/1/02 | FINANCIAL INSTITUTIONS ; Savings banks; financial institution to seize funds of terrorist organizations and report to attorney general; require. (Sen. G. Peters) |
| 248 | 5624 | | Yes | 4/30 | 4/30 | 04/30/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. L. Julian) |
| 249 | 5634 | | Yes | 4/30 | 4/30 | 04/30/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. I. Clark) |
| 250 | | 839 | Yes | 5/1 | 5/1 | 05/01/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of uniform budgeting and accounting act; modify. (Sen. H. Gast) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 251 | | 882 | Yes | 5/1 | 5/1 | 05/01/02 | INSURANCE; No-fault; automobile insurance placement facility to provide for premium surcharges for various infractions; allow. (Sen. A. Sanborn) |
| 252 | | 1026 | Yes | 5/1 | 5/1 | 05/01/02 | TRANSPORTATION; Carriers; requirement for vehicles transporting gasoline, benzine, or naphtha to be painted red; eliminate. (Sen. T. McCotter) |
| 253 | | 1057 | Yes | 5/1 | 5/1 | 05/01/02 | HIGHWAYS; Construction and repair; widening and altering of state trunk line highways with approval of state administrative board; repeal certain section. (Sen. T. McCotter) |
| 254 | 5472 | | Yes | 5/1 | 5/1 | 05/01/02 | ECONOMIC DEVELOPMENT; Brownfield redevelopment authority; specific taxes; include neighborhood enterprise zone act. (Rep. J. Allen) |
| 255 | 4507 | | Yes | 5/1 | 5/1 | 05/01/02 | SALES TAX; Exemptions; exemption from paying sales tax on certain items; clarify procedure. (Rep. L. DeVuyst) |
| 256 | | 837 | Yes | 5/1 | 5/1 | 05/01/02 | LOCAL GOVERNMENT; Bonds; bonding authority of local governmental units to accept financial transaction device payments; modify. (Sen. R. Emerson) |
| 257 | | 838 | Yes | 5/1 | 5/1 | 05/01/02 | LOCAL GOVERNMENT; Bonds; bonding authority of local units authorizing and regulating credit card transactions; modify. (Sen. V. Garcia) |
| 258 | | 1006 | Yes | 5/1 | 5/1 | *** # | AERONAUTICS; Other; criminal background checks on applicants for flight schools; require and provide for refusal to enroll under certain circumstances. (Sen. G. Hart) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 259 | 5504 | | Yes | 5/1 | 5/1 | 05/01/02 | TRAFFIC CONTROL; Driver license; criminal background checks on applicants for commercial driver license; require. (Rep. R. Brown) |
| 260 | | 1034 | Yes | 5/1 | 5/1 | 05/01/02 | CRIMES; Other; criminal provision relating to inciting an individual to violate a peace treaty with an Indian native or tribe; repeal. (Sen. T. McCotter) |
| 261 | | 1035 | Yes | 5/1 | 5/1 | 5/1/2002 # | CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of inciting an individual to violate a peace treaty with an Indian native or tribe; eliminate. (Sen. T. McCotter) |
| 262 | | 1037 | Yes | 5/1 | 5/1 | 05/01/02 | CRIMES; Other; criminal provision relating to the use of bells on cutters and sleighs; repeal. (Sen. D. Koivisto) |
| 263 | 5152 | | Yes | 5/1 | 5/1 | 05/01/02 | FINANCIAL INSTITUTIONS; Savings banks; conversion of a chartered savings bank to a mutual holding company; provide for. (Rep. A. Sanborn) |
| 264 | 4848 | | Yes | 5/8 | 5/9 | 05/09/02 | LAW ENFORCEMENT; Other; provision regarding the appointment of unqualified undersheriff or deputy sheriff; repeal. (Rep. T. Stamas) |
| 265 | 5151 | | Yes | 5/8 | 5/9 | 01/01/03 | CIVIL PROCEDURE; Civil actions; limitation on appeal bond; establish. (Rep. A. Richner) |
| 266 | 5440 | | Yes | 5/8 | 5/9 | 7/15/2002 # | CRIMES; Assaultive; assaulting, resisting, or obstructing an officer causing bodily injury, serious impairment of a body function, or death; prohibit and establish penalties. (Rep. J. Faunce) |
| 267 | 5211 | | Yes | 5/8 | 5/9 | 05/09/02 | PROPERTY TAX; Personal property; electronic filing of personal property statement; allow. (Rep. S. Vear) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 268 | | 982 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority of community swimming pool authority; modify. (Sen. B. Leland) |
| 269 | 5441 | | Yes | 5/8 | 5/9 | 7/15/2002 # | CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crimes of assaulting, resisting, or obstructing an officer seriously injuring or causing injury, serious impairment, or death; provide for. (Rep. L. Julian) |
| 270 | 5442 | | Yes | 5/8 | 5/9 | 5/9/2002 # | CRIMES; Assaultive; penalties for assaulting, beating, wounding, obstructing, or endangering an officer other than a peace officer; establish. (Rep. J. Kooiman) |
| 271 | 5443 | | Yes | 5/8 | 5/9 | 5/9/2002 # | CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of assaulting, beating, wounding, obstructing, or endangering officers other than peace officers; provide for. (Rep. R. Basham) |
| 272 | 5601 | | Yes | 5/8 | 5/9 | 7/15/2002 # | CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of obstructing firefighter; eliminate. (Rep. M. Kowall) |
| 273 | | 846 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority of pavements, sidewalks, and elevated structures; modify. (Sen. J. Young Jr.) |
| 274 | | 848 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority of township and village public improvements and public services; modify. (Sen. K. DeBeaussaert) |
| 275 | | 852 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority of county boards of commissioners; modify. (Sen. A. Smith) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 276 | | 853 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority of general law village act; modify. (Sen. W. North) |
| 277 | | 854 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority of home rule village act; modify. (Sen. K. DeBeaussaert) |
| 278 | | 1045 | Yes | 5/8 | 5/9 | 5/9/2002 # | CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of embezzlement of railroad passenger tickets; eliminate. (Sen. C. Dingell) |
| 279 | | 1047 | Yes | 5/8 | 5/9 | 5/9/2002 # | CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of larceny of railroad tickets; eliminate. (Sen. C. Dingell) |
| 280 | 5568 | | Yes | 5/8 | 5/9 | 05/09/02 | ECONOMIC DEVELOPMENT; Plant rehabilitation; provision to include electric generating plants; extend sunset. (Rep. N. Cassis) |
| 281 | 5755 | | Yes | 5/8 | 5/9 | 05/09/02 | HIGHWAYS; Bridges; provision relating to construction of interstate bridge between Michigan and Wisconsin; repeal. (Rep. B. Patterson) |
| 282 | 5752 | | Yes | 5/8 | 5/9 | 05/09/02 | VEHICLES; Equipment; provisions relating to requirement for certain equipment for certain vehicles weighing in excess of 10,000 pounds; repeal. (Rep. B. Patterson) |
| 283 | 5486 | | Yes | 5/8 | 5/9 | 05/09/02 | HOUSING; Condominium; multiple amendments of the condominium act; provide for. (Rep. M. Bishop) |
| 284 | | 981 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority of city and village zoning act; modify. (Sen. T. McCotter) |
| 285 | | 983 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority for neighborhood area improvements; modify. (Sen. A. Smith) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 286 | | 984 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority for permanent improvements by counties; modify. (Sen. W. North) |
| 287 | | 985 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority of local improvement revolving fund; modify. (Sen. A. Smith) |
| 288 | | 986 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority for purchase of fire fighting equipment; modify. (Sen. A. Miller Jr.) |
| 289 | | 988 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority of safe drinking water financial assistance act; modify. (Sen. A. Sanborn) |
| 290 | | 1038 | Yes | 5/8 | 5/9 | 05/09/02 | CRIMES; Robbery; statute relating to entering a train for robbery by means of intimidation; repeal. (Sen. C. Dingell) |
| 291 | | 1039 | Yes | 5/8 | 5/9 | 5/902 | CRIMES; Other; statute relating to forcible detention of a railroad train; repeal. (Sen. C. Dingell) |
| 292 | | 1040 | Yes | 5/8 | 5/9 | 05/09/02 | CRIMES; Robbery; statute relating to seizing a locomotive with mail or express car attached; repeal. (Sen. C. Dingell) |
| 293 | | 1042 | Yes | 5/8 | 5/9 | 05/09/02 | CRIMES; Fraud; criminal provision relating to the issuance of stocks, bonds, or corporate obligations in railroad companies; repeal. (Sen. C. Dingell) |
| 294 | | 1044 | Yes | 5/8 | 5/9 | 05/09/02 | CRIMES; Embezzlement; criminal provision relating to embezzlement of railroad passenger tickets; repeal. (Sen. C. Dingell) |
| 295 | | 1046 | Yes | 5/8 | 5/9 | 05/09/02 | CRIMES; Larceny; statute prohibiting larceny of railroad passenger ticket; repeal. (Sen. C. Dingell) |
| 296 | | 1048 | Yes | 5/8 | 5/9 | 05/09/02 | CRIMES; Counterfeiting; statute prohibiting forgery of railroad tickets; repeal. (Sen. C. Dingell) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 297 | | 1059 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority of industrial development revenue bond act of 1963; modify. (Sen. J. Emmons) |
| 298 | | 1060 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority of city and village water supply; repeal. (Sen. B. Bullard Jr.) |
| 299 | | 1061 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority for public markets; repeal. (Sen. B. Leland) |
| 300 | | 1063 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority of the Michigan municipal distributable aid bond act; modify. (Sen. J. Emmons) |
| 301 | | 1065 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority for community airports; modify. (Sen. B. Leland) |
| 302 | | 1066 | Yes | 5/8 | 5/9 | 05/09/02 | LOCAL GOVERNMENT; Bonds; bonding authority of Michigan export development act; modify. (Sen. B. Leland) |
| 303 | 4057 | | Yes | 5/10 | 5/10 | 05/10/02 | HEALTH FACILITIES; Nursing homes; quality assurance assessment fee, prohibiting employment by certain health facilities of individuals with certain criminal history, and reporting of certain employer disciplinary action; provide for in certain cases. (Rep. P. Birkholz) |
| 304 | | 748 | Yes | 5/10 | 5/10 | 05/10/02 | INSURANCE; Health; health maintenance organization deductibles, quality assurance assessment fee, and medicare supplement policy changes; provide for. (Sen. B. Hammerstrom) |
| 305 | | 685 | Yes | 5/11 | 5/13 | 05/13/02 | HIGHWAYS; Name; portion of I-94 in Battle Creek; designate as the “94th Combat Infantry Division Memorial Highway.” (Sen. T. McCotter) |
| 306 | | 856 | Yes | 5/11 | 5/13 | 05/13/02 | LOCAL GOVERNMENT; Bonds; bonding authority of building authorities; modify. (Sen. J. Young Jr.) |

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| 307 | | 1068 | Yes | 5/11 | 5/13 | 05/13/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of veterans' memorials on city lands; repeal. (Sen. J. Schwarz) |
| 308 | | 1069 | Yes | 5/11 | 5/13 | 05/13/02 | LOCAL GOVERNMENT ; Bonds; bonding authority for police and fire protection; modify. (Sen. W. Van Regenmorter) |
| 309 | | 1070 | Yes | 5/11 | 5/13 | 05/13/02 | LOCAL GOVERNMENT ; Bonds; bonding authority for county fairs and exhibitions; repeal. (Sen. J. Emmons) |
| 310 | | 1071 | Yes | 5/11 | 5/13 | 05/13/02 | LOCAL GOVERNMENT ; Bonds; bonding authority for water supply and municipal lighting; repeal. (Sen. B. Bullard Jr.) |
| 311 | | 1072 | Yes | 5/11 | 5/13 | 05/13/02 | LOCAL GOVERNMENT ; Bonds; bonding authority for village courthouse or jail; repeal. (Sen. A. Sanborn) |
| 312 | | 1075 | Yes | 5/11 | 5/13 | 05/13/02 | LOCAL GOVERNMENT ; Bonds; bonding authority for joint public buildings; modify. (Sen. D. Shugars) |
| 313 | | 1081 | Yes | 5/11 | 5/13 | 05/13/02 | LOCAL GOVERNMENT ; Bonds; bonding authority for sewerage disposal plants; repeal. (Sen. K. Sikkema) |
| 314 | | 1083 | Yes | 5/11 | 5/13 | 05/13/02 | LOCAL GOVERNMENT ; Bonds; bonding authority for waterfront improvements; repeal. (Sen. B. Bullard Jr.) |
| 315 | 4799 | | Yes | 5/14 | 5/14 | 05/14/02 | CITIES ; Home rule; funding for separation of storm water drainage and sanitary sewers on private property; provide for. (Rep. T. Stamas) |
| 316 | | 451 | Yes | 5/17 | 5/17 | 10/01/02 | INSURANCE ; Health; timely payment of health care benefits; provide for and establish penalties for noncompliance. (Sen. B. Schuette) |
| 317 | | 452 | Yes | 5/17 | 5/17 | 10/1/2002 # | INSURANCE ; Health care corporations; timely payment of health care benefits; provide for and establish penalties for noncompliance. (Sen. B. Schuette) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|--|
| 318 | | 934 | Yes | 5/22 | 5/22 | 5/22/2002 # | AERONAUTICS ; Other; criminal background checks on applicants for flight schools ; require. (Sen. J. Gougeon) |
| 319 | 5138 | | Yes | 5/23 | 5/23 | 05/23/02 | STATE ; Symbol; historical society; designate as the official historical society of Michigan. (Rep. T. George) |
| 320 | | 1043 | Yes | 5/23 | 5/23 | 7/15/2002 # | CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guidelines for crime of issuing stocks, bonds, or corporate obligations in railroad companies; eliminate. (Sen. C. Dingell) |
| 321 | | 1049 | Yes | 5/23 | 5/23 | 7/15/2002 # | CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guidelines for crimes of obstructing a firefighter and forging railroad tickets; eliminate. (Sen. C. Dingell) |
| 322 | | 1019 | Yes | 5/23 | 5/23 | 05/23/02 | AGRICULTURE ; Other; rule-making authority regarding started pullets; repeal. (Sen. T. McCotter) |
| 323 | | 1025 | Yes | 5/23 | 5/23 | 05/23/02 | FINANCIAL INSTITUTIONS ; Banks; provisions relating to the marking of ÓfakeÓ bank bills; repeal. (Sen. T. McCotter) |
| 324 | 5547 | | Yes | 5/23 | 5/23 | 05/23/02 | LAW ENFORCEMENT ; State police; provision prohibiting employees of the Michigan state police from participating in political campaigns; repeal. (Rep. S. Hummel) |
| 325 | 4603 | | Yes | 5/23 | 5/23 | 05/23/02 | CEMETERIES AND FUNERALS ; Burial; prepaid funeral contracts; increase cap. (Rep. S. Ehardt) |
| 326 | 5822 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of base conversion authority act; modify. (Rep. B. Palmer) |
| 327 | 5823 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. C. Bisbee) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 328 | 5836 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT; Bonds; bonding authority of metropolitan transportation authorities act of 1967; modify. (Rep. J. Scranton) |
| 329 | 5839 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT; Bonds; bonding authority of the state trunk line highway system; modify. (Rep. G. Newell) |
| 330 | 5840 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT; Bonds; bonding authority to borrow from the motor vehicle highway fund; modify. (Rep. M. Shulman) |
| 331 | 5844 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT; Bonds; bonding authority for limited access highways; modify. (Rep. R. Jamnick) |
| 332 | 5855 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT; Bonds; bonding authority for township and village libraries; modify. (Rep. B. Vander Veen) |
| 333 | 5845 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT; Bonds; bonding authority for grade separation bonds; modify. (Rep. K. Stallworth) |
| 334 | 5821 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT; Bonds; bonding authority of the revised school code; modify. (Rep. R. Jelinek) |
| 335 | 5837 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT; Bonds; bonding authority of public transportation authority; modify. (Rep. L. Julian) |
| 336 | 5838 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT; Bonds; bonding authority for highways within townships; modify. (Rep. D. Hart) |
| 337 | 5841 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT; Bonds; bonding authority for mass transportation system authorities; modify. (Rep. J. Hansen) |
| 338 | 5842 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT; Bonds; bonding authority for public buildings and bridges; modify. (Rep. J. Pappageorge) |
| 339 | 5843 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT; Financing; certain references to the municipal finance act; revise. (Rep. A. Richner) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 340 | 5846 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT ; Bonds; bonding authority for bridge construction and maintenance; repeal. (Rep. K. Daniels) |
| 341 | 5847 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT ; Bonds; bonding authority for interstate bridge near navigable stream; repeal. (Rep. D. Sheltrown) |
| 342 | 5848 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of aeronautics code; modify. (Rep. D. Bovin) |
| 343 | 5849 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the community mental health authority; modify. (Rep. S. Caul) |
| 344 | 5851 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT ; Bonds; bonding authority for public library bonds; repeal. (Rep. P. Birkholz) |
| 345 | 5852 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of district library financing act; modify. (Rep. L. Hager) |
| 346 | 5854 | | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT ; Bonds; bonding authority for libraries under boards of education; modify. (Rep. J. Stewart) |
| 347 | 5707 | | Yes | 5/23 | 5/23 | 05/23/02 | LEGISLATURE ; Auditor general; reference to auditor general in Michigan estate tax act; eliminate. (Rep. B. Patterson) |
| 348 | 5708 | | Yes | 5/23 | 5/23 | 05/23/02 | LEGISLATURE ; Auditor general; reference to auditor general in collection of specific taxes; eliminate. (Rep. B. Patterson) |
| 349 | 5709 | | Yes | 5/23 | 5/23 | 05/23/02 | LEGISLATURE ; Auditor general; reference to auditor general in certain drain taxes or highway assessments; eliminate. (Rep. B. Patterson) |
| 350 | 5710 | | Yes | 5/23 | 5/23 | 05/23/02 | LEGISLATURE ; Auditor general; reference to auditor general in certain bonds and obligations; eliminate. (Rep. B. Patterson) |

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| Public Act No. | Enrolled House Bill | Enrolled Senate Bill | I.E.* Yes / No | Governor Approved Date | Filed Date | Effective Date | Subject |
|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|--|
| 351 | 5711 | | Yes | 5/23 | 5/23 | 05/23/02 | LEGISLATURE ; Auditor general; reference to auditor general in highway statute; eliminate. (Rep. B. Patterson) |
| 352 | 5712 | | Yes | 5/23 | 5/23 | 05/23/02 | LEGISLATURE ; Auditor general; reference to auditor general in aeronautics statute; eliminate. (Rep. B. Patterson) |
| 353 | 5713 | | Yes | 5/23 | 5/23 | 05/23/02 | LEGISLATURE ; Auditor general; reference to auditor general in drain code; eliminate. (Rep. L. Julian) |
| 354 | 5714 | | Yes | 5/23 | 5/23 | 05/23/02 | LEGISLATURE ; Auditor general; agricultural fair commission act; repeal. (Rep. L. Julian) |
| 355 | 5717 | | Yes | 5/23 | 5/23 | 05/23/02 | LEGISLATURE ; Auditor general; reference to auditor general in railroad land statute; eliminate. (Rep. A. Lipsey) |
| 356 | 5718 | | Yes | 5/23 | 5/23 | 05/23/02 | LEGISLATURE ; Auditor general; reference to auditor general in natural resources and environmental protection act; eliminate. (Rep. A. Lipsey) |
| 357 | | 1077 | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of economic development corporation act; modify. (Sen. D. Shugars) |
| 358 | | 1084 | Yes | 5/23 | 5/23 | 05/23/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of Michigan energy employment act of 1976; modify. (Sen. K. Sikkema) |
| 359 | | 639 | Yes | 5/23 | 5/23 | 05/23/02 | INSURANCE ; Insurers; priority of claims distribution; modify. (Sen. B. Bullard Jr.) |
| 360 | 4655 | | No | 5/23 | 5/23 | ** | HEALTH ; Funding; priority of funding for family planning programs and services; revise procedure used by department of community health. (Rep. M. Jansen) |
| 361 | 5220 | | Yes | 5/23 | 5/23 | 05/23/02 | HIGHWAYS ; Name; renaming a certain portion of business route 196; designate as "Cesar E. Chavez Way." (Rep. J. Voorhees) |

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| Public Act No. | Enrolled House Bill | Enrolled Senate Bill | I.E.* Yes / No | Governor Approved Date | Filed Date | Effective Date | Subject |
|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 362 | 5611 | | Yes | 5/23 | 5/23 | 05/23/02 | LEGISLATURE ; Auditor general; reference to duties of the auditor general regarding certain state officers; eliminate. (Rep. B. Patterson) |
| 363 | 5612 | | Yes | 5/23 | 5/23 | 05/23/02 | LEGISLATURE ; Auditor general; reference to auditor general in compensation of constitutional convention delegates; eliminate. (Rep. B. Patterson) |
| 364 | 5613 | | Yes | 5/23 | 5/23 | 05/23/02 | LEGISLATURE ; Auditor general; reference to auditor general regarding impeachments; eliminate. (Rep. B. Patterson) |
| 365 | 5615 | | Yes | 5/24 | 5/24 | 05/24/02 | LEGISLATURE ; Auditor general; reference to auditor general in a statute regarding deposit of bonds for certain state officers; eliminate. (Rep. B. Patterson) |
| 366 | 5398 | | Yes | 5/24 | 5/24 | 09/01/02 | CRIMINAL PROCEDURE ; Defenses; defense of the voluntary consumption or ingestion of alcohol or controlled substance in all criminal cases; bar. (Rep. R. Johnson) |
| 367 | 5662 | | Yes | 5/24 | 5/24 | 05/24/02 | LEGISLATURE ; Auditor general; reference to auditor general in act regarding department of treasury collections; eliminate. (Rep. B. Patterson) |
| 368 | 5663 | | Yes | 5/24 | 5/24 | 05/24/02 | LEGISLATURE ; Auditor general; reference to auditor general; eliminate. (Rep. B. Patterson) |
| 369 | 5664 | | Yes | 5/24 | 5/24 | 05/24/02 | LEGISLATURE ; Auditor general; reference to auditor general on state administrative board; eliminate. (Rep. W. Kuipers) |
| 370 | 5665 | | Yes | 5/24 | 5/24 | 05/24/02 | LEGISLATURE ; Auditor general; reference to auditor general in uniform system of accounting; eliminate. (Rep. W. Kuipers) |

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| Public Act No. | Enrolled House Bill | Enrolled Senate Bill | I.E.* Yes / No | Governor Approved Date | Filed Date | Effective Date | Subject |
|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|---|
| 371 | 5666 | | Yes | 5/24 | 5/24 | 05/24/02 | LEGISLATURE; Auditor general; reference to auditor general in claims to the state police; eliminate. (Rep. L. Julian) |
| 372 | 5667 | | Yes | 5/24 | 5/24 | 05/24/02 | LEGISLATURE; Auditor general; reference to auditor general in state employees' retirement act; eliminate. (Rep. L. Julian) |
| 373 | 5668 | | Yes | 5/24 | 5/24 | 05/24/02 | LEGISLATURE; Auditor general; reference to auditor general in assessment on certain improvements; eliminate. (Rep. B. Patterson) |
| 374 | 5669 | | Yes | 5/24 | 5/24 | 05/24/02 | LEGISLATURE; Auditor general; reference to auditor general in audit of county sheriffs; eliminate. (Rep. B. Patterson) |
| 375 | 5670 | | Yes | 5/24 | 5/24 | 05/24/02 | LEGISLATURE; Auditor general; reference to auditor general in home rule village act; eliminate. (Rep. G. Jacobs) |
| 376 | 5671 | | Yes | 5/24 | 5/24 | 05/24/02 | LEGISLATURE; Auditor general; reference to auditor general in fourth class city act; eliminate. (Rep. G. Jacobs) |
| 377 | 5672 | | Yes | 5/24 | 5/24 | 05/24/02 | LEGISLATURE; Auditor general; reference to auditor general in disconnection of land from cities or villages; eliminate. (Rep. A. Lipsey) |
| 378 | 5673 | | Yes | 5/24 | 5/24 | 05/24/02 | LEGISLATURE; Auditor general; reference to auditor general receiving notice of vacancy in public offices; eliminate. (Rep. A. Lipsey) |
| 379 | 5614 | | Yes | 5/24 | 5/24 | 05/24/02 | LEGISLATURE; Auditor general; reference to auditor general in act regarding employment of clerks and assistants to the governor; eliminate. (Rep. B. Patterson) |
| 380 | | 1168 | Yes | 5/24 | 5/24 | 05/24/02 | LOCAL GOVERNMENT; Bonds; bonding authority of the Vietnam veteran era bonus act; modify. (Sen. J. Schwarz) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|--|
| 381 | | 1171 | Yes | 5/24 | 5/24 | 05/24/02 | LOCAL GOVERNMENT; Bonds; bonding authority of the Michigan family farm development authority; modify. (Sen. A. Smith) |
| 382 | | 1177 | Yes | 5/24 | 5/24 | 05/24/02 | LOCAL GOVERNMENT; Bonds; bonding authority of state building authority act; modify. (Sen. B. Bullard Jr.) |
| 383 | | 1179 | Yes | 5/28 | 5/28 | 05/28/02 | LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters) |
| 384 | 5661 | | Yes | 5/29 | 5/30 | 05/30/02 | LEGISLATURE; Auditor general; reference to auditor general for certain expenses; eliminate. (Rep. B. Patterson) |
| 385 | | 1169 | Yes | 5/29 | 5/30 | 05/30/02 | LOCAL GOVERNMENT; Bonds; bonding authority of state housing development authority; modify. (Sen. A. Smith) |
| 386 | | 1178 | Yes | 5/29 | 5/30 | 05/30/02 | LOCAL GOVERNMENT; Financing; certain references to the municipal finance act; revise. (Sen. B. Bullard Jr.) |
| 387 | | 1180 | Yes | 5/29 | 5/30 | 05/30/02 | LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters) |
| 388 | | 1181 | Yes | 5/29 | 5/30 | 05/30/02 | LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters) |
| 389 | | 1182 | Yes | 5/29 | 5/30 | 05/30/02 | LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters) |
| 390 | | 776 | Yes | 5/29 | 5/30 | 05/30/02 | FINANCIAL INSTITUTIONS; Other; consumer financial services act; amend to prohibit individuals who committed fraud from being licensed. (Sen. G. Steil) |

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|----------------|---------------------|----------------------|----------------|------------------------|------------|----------------|---|
| 391 | | 777 | Yes | 5/29 | 5/30 | 05/30/02 | FINANCIAL INSTITUTIONS; Generally; mortgage brokers, lenders, and servicers licensing act; provide for amendments. (Sen. G. Steil) |
| 392 | | 778 | Yes | 5/29 | 5/30 | 05/30/02 | FINANCIAL INSTITUTIONS; Generally; secondary mortgage act; provide for amendments. (Sen. G. Steil) |
| 393 | | 779 | Yes | 5/29 | 5/30 | 05/30/02 | FINANCIAL INSTITUTIONS; Generally; regulatory loan act; provide for amendments. (Sen. G. Steil) |
| 394 | | 780 | Yes | 5/29 | 5/30 | 05/30/02 | FINANCIAL INSTITUTIONS; Checks and drafts; sale of checks act; provide for amendments. (Sen. G. Steil) |
| 395 | 5850 | | Yes | 5/29 | 5/30 | 05/30/02 | LOCAL GOVERNMENT; Bonds; bonding authority of municipal health facilities corporations; modify. (Rep. C. LaSata) |
| 396 | 4625 | | Yes | 5/29 | 5/30 | 5/30/2002 # | ENVIRONMENTAL PROTECTION; Funding; general obligation bonds; authorize to finance sewage treatment works projects, storm water projects, and nonpoint source projects that improve the quality of the waters of the state. (Rep. B. Patterson) |
| 397 | 5892 | | Yes | 5/29 | 5/30 | *** # | ENVIRONMENTAL PROTECTION; Funding; general obligation bonds; provide for issuance to finance sewage treatment works projects, stormwater projects, and nonpoint source projects, that improve the quality of the waters of the state. (Rep. T. Meyer) |
| 398 | 5893 | | Yes | 5/29 | 5/30 | *** # | ENVIRONMENTAL PROTECTION; Funding; state water pollution control revolving fund; modify criteria for expenditures. (Rep. D. Mead) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|--|
| 399 | 5237 | | Yes | 5/29 | 5/30 | 05/30/02 | ELECTIONS ; Political parties; ballot access; revise requirements for. (Rep. L. Drolet) |
| 400 | 5454 | | Yes | 5/29 | 5/30 | 05/30/02 | TORTS ; Liability; governmental liability for negligence; add volunteers to certain provisions. (Rep. M. Bishop) |
| 401 | | 1096 | Yes | 6/3 | 6/3 | 06/03/02 | DISABILITIES ; Travel aids used by blind persons; include walkers. (Sen. B. Hammerstrom) |
| 402 | | 517 | Yes | 6/3 | 6/3 | 06/03/02 | OCCUPATIONS ; Physicians; referral of patients to facilities in which a physician has a financial interest; allow under certain circumstances. (Sen. B. Hammerstrom) |
| 403 | | 834 | Yes | 6/3 | 6/3 | 06/03/02 | LOCAL GOVERNMENT ; Bonds; bonding authority to pool investments; modify. (Sen. B. Bullard Jr.) |
| 404 | | 840 | Yes | 6/3 | 6/3 | 06/03/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the state revenue sharing act; modify. (Sen. R. Emerson) |
| 405 | | 863 | Yes | 6/3 | 6/3 | 06/03/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the emergency municipal loan act; modify. (Sen. A. Miller Jr.) |
| 406 | | 870 | Yes | 6/3 | 6/3 | 06/03/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the drain code of 1956; modify. (Sen. G. McManus Jr.) |
| 407 | | 977 | Yes | 6/3 | 6/3 | 06/03/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the county department and board of public works; modify. (Sen. K. DeBeaussaert) |
| 408 | | 1064 | Yes | 6/3 | 6/3 | 06/03/02 | LOCAL GOVERNMENT ; Bonds; bonding authority of the local government fiscal responsibility act; modify. (Sen. A. Sanborn) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|--|
| 409 | | 1067 | Yes | 6/3 | 6/3 | 06/03/02 | LOCAL GOVERNMENT; Bonds; bonding authority of cities and villages owning public utilities; modify. (Sen. M. Scott) |
| 410 | | 1073 | Yes | 6/3 | 6/3 | 06/03/02 | LOCAL GOVERNMENT; Bonds; bonding authority of metropolitan district act; modify. (Sen. A. Smith) |
| 411 | | 1076 | Yes | 6/3 | 6/3 | 06/03/02 | LOCAL GOVERNMENT; Bonds; bonding authority of metropolitan council act; modify. (Sen. D. Shugars) |
| 412 | | 1078 | Yes | 6/3 | 6/3 | 06/03/02 | LOCAL GOVERNMENT; Bonds; bonding authority of port authorities; modify. (Sen. K. Sikkema) |
| 413 | | 1079 | Yes | 6/3 | 6/3 | 06/03/02 | LOCAL GOVERNMENT; Bonds; bonding authority of brownfield redevelopment financing act; modify. (Sen. K. Sikkema) |
| 414 | | 1080 | Yes | 6/3 | 6/3 | 06/03/02 | LOCAL GOVERNMENT; Bonds; bonding authority of low-level radioactive waste authorities; modify. (Sen. G. Peters) |
| 415 | | 1082 | Yes | 6/3 | 6/3 | 06/03/02 | LOCAL GOVERNMENT; Bonds; bonding authority for joint water and sewage disposal; modify. (Sen. K. Sikkema) |
| 416 | | 1167 | Yes | 6/3 | 6/3 | 06/03/02 | LOCAL GOVERNMENT; Bonds; bonding authority related to state indebtedness; modify. (Sen. G. Peters) |
| 417 | 5899 | | Yes | 6/5 | 6/5 | 06/05/02 | VEHICLES; Registration; definition of “wood harvesting” for purposes of transportation; revise to include raw materials produced in the woods or as produced at the harvest site. (Rep. S. Shackleton) |
| 418 | | 989 | Yes | 6/5 | 6/5 | 06/05/02 | ENVIRONMENTAL PROTECTION; Toxic substances; pesticide control act; provide general amendments. (Sen. G. McManus Jr.) |

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|----------------|---------------------|----------------------|-------------------|------------------------|------------|----------------|--|
| 419 | | 627 | Yes | 6/5 | 6/5 | 06/05/02 | CONSTRUCTION; Equipment; technical amendments; provide for. (Sen. B. Hammerstrom) |
| 420 | 5475 | | Yes | 6/5 | 6/5 | 06/05/02 | TRANSPORTATION; Railroads; maintenance of railroad grades; require written permission from both railroad and road authority to commence work and regulate the charge of certain fees. (Rep. J. Gilbert II) |
| 421 | 5521 | | No | 6/5 | 6/5 | ** | CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for violations of the grain dealers act; provide for. (Rep. T. Meyer) |
| 422 | | 645 | Yes | 6/5 | 6/5 | 10/01/02 | TRAFFIC CONTROL; Driver license; person making false bomb threat; include penalty prohibiting eligibility to obtain driver license until 21 years of age. (Sen. V. Garcia) |
| 423 | | 1009 | Yes | 6/5 | 6/5 | 06/05/02 | OCCUPATIONS; Dental hygienists; education requirements for the administration of local anesthesia and nitrous oxide analgesia; clarify. (Sen. D. Shugars) |
| 424 | 4217 | | Yes | 6/5 | 6/5 | 06/05/02 | HOUSING; Landlord and tenants; housing-with-services contract act; create. (Rep. J. Scranton) |
| 425 | 5750 | | Yes | 6/5 | 6/5 | 06/05/02 | AGRICULTURE; Other; motor fuels quality act; remove certain rule-making authority of the department of agriculture. (Rep. B. Patterson) |
| 426 | | 1056 | Yes | 6/5 | 6/5 | 06/05/02 | HIGHWAYS; Bridges; provision relating to construction of interstate bridge between Michigan and Wisconsin; repeal. (Sen. T. McCotter) |
| 427 | 5107 | | Yes | 6/5 | 6/5 | 06/05/02 | WORKER'S COMPENSATION; Disabilities; members of a volunteer underwater diving team; include. (Rep. J. Vander Roest) |

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|----------------|---------------------|----------------------|----------------|------------------------|------------|----------------|---|
| 428 | | 891 | Yes | 6/5 | 6/5 | 06/05/02 | LEGISLATURE; Auditor general; reference to auditor general regarding brine pipeline companies; eliminate. (Sen. T. McCotter) |
| 429 | | 893 | Yes | 6/5 | 6/5 | 06/05/02 | LEGISLATURE; Auditor general; reference to auditor general in the revised judicature act of 1961; eliminate. (Sen. T. McCotter) |
| 430 | | 917 | Yes | 6/5 | 6/5 | 06/05/02 | LEGISLATURE; Auditor general; reference to duties of the auditor general regarding certain purchases of state land; eliminate. (Sen. T. McCotter) |
| 431 | 5466 | | Yes | 6/6 | 6/6 | 06/06/02 | ELECTIONS; Petitions; post office box on petitions; change to zip code and eliminate time deadlines for local ballot questions for year 2002. (Rep. A. Richner) |
| 432 | 6114 | | Yes | 6/6 | 6/6 | 06/06/02 | CITIES; Boards and commissions; members of the Detroit city council; revise, subject to a vote, and establish redistricting commission. (Rep. K. Daniels) |
| Veto | 4022 | | | | | 03/15/02 | TRAFFIC CONTROL; Speed restrictions; speed limits; allow input by townships in setting certain speed limits. (Rep. R. Jamnick) |

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MICHIGAN ADMINISTRATIVE CODE TABLE
(2002 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the office of regulatory reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2002 RULE FILINGS)

| R Number | Action | 2002 MR Issue | R Number | Action | 2002 MR Issue | R Number | Action | 2002 MR Issue |
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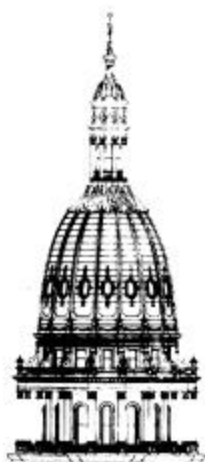
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